

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

Rutherford & Gallman,)	
)	
Plaintiff,)	Case No. 18-cv-10706-AEK
)	
v.)	Hon. Andrew E. Krause
)	United States Magistrate Judge
City of Mt. Vernon, <i>et al.</i> ,)	
)	
Defendants.)	JURY TRIAL DEMANDED

EXHIBIT 8



KENTUCKIANA
— COURT REPORTERS —

CASE NO. 1:20-CV-9251

ALAN SEWARD

V.

DET. CAMILO R. ANTONINI, ET AL.

DEPONENT:

DET. CAMILO R. ANTONINI

DATE:

January 03, 2022



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1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 SOUTHERN DISTRICT OF NEW YORK
3 CASE NO. 1:20-CV-9251
4 HON. KENNETH M. KARAS
5 UNITED STATES DISTRICT JUDGE
6

7 ALAN SEWARD,
8 Plaintiff
9

10 V.
11

12 DET. CAMILO R. ANTONINI, ET AL.
13 Defendants.
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23 DEPONENT: DET. CAMILO R. ANTONINI

24 DATE: JANUARY 3, 2022

25 REPORTER: AALAYAH PURNELL

<p style="text-align: right;">Page 2</p> <p style="text-align: center;">APPEARANCES</p> <p>1</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFF, ALAN SEWARD:</p> <p>4 Heather Lewis Donnell</p> <p>5 Loevy & Loevy</p> <p>6 311 North Aberdeen Street</p> <p>7 Third Floor</p> <p>8 Chicago, Illinois 60607</p> <p>9 Telephone No.: (312) 243-5900</p> <p>10 E-mail: heather@loevy.com</p> <p>11 (Appeared via videoconference)</p> <p>12</p> <p>13 AND</p> <p>14</p> <p>15 Angela Perkins</p> <p>16 The Law Offices of Jarrett Adams</p> <p>17 40 Fulton Street</p> <p>18 Floor 23</p> <p>19 New York, New York 10038</p> <p>20 Telephone No.: (646) 880-9707</p> <p>21 E-mail: angela@jarrettadamslaw.com</p> <p>22 (Appeared via videoconference)</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">APPEARANCES (CONTINUED)</p> <p>1</p> <p>2</p> <p>3 Also Present:</p> <p>4 Krystal Barnes, Videographer</p> <p>5 Alan Seward, Plaintiff</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p style="text-align: center;">APPEARANCES (CONTINUED)</p> <p>1</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANTS, DETECTIVE CAMILO R.</p> <p>4 ANTONINI, POLICE OFFICER ROBERT F. PUFF, DETECTIVE</p> <p>5 SERGEANT SEAN J. FEGAN, UNIDENTIFIED MOUNT VERNON POLICE</p> <p>6 DEPARTMENT EMPLOYEES AND OFFICERS, THE CITY OF MOUNT</p> <p>7 VERNON, POLICE OFFICER MICHAEL HUTCHINS, POLICE</p> <p>8 COMMISSIONER GLENN SCOTT, POLICE OFFICER RAVIN PALMER,</p> <p>9 POLICER OFFICER PATRICK KING, POLICE OFFICER JOSPEH</p> <p>10 VALENTE, SERGEANT JOSE QUINOY, POLICE COMMISSIONER SHAW</p> <p>11 HARRIS, POLICE OFFICER SEBASTIAN SALAZAR, AND POLICE</p> <p>12 OFFICER ROBERT F. KRESSMAN:</p> <p>13 Steven Bushnell</p> <p>14 Marykate Acquisto</p> <p>15 The Quinn Law Firm</p> <p>16 399 Knollwood Road</p> <p>17 Number 220</p> <p>18 White Plains, New York 10603</p> <p>19 Telephone No.: (914) 997-0555</p> <p>20 E-mail: sbushnell@quinnlawny.com</p> <p>21 macquisto@quinnlawny.com</p> <p>22 (Appeared via videoconference)</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p style="text-align: center;">INDEX</p> <p>1</p> <p>2</p> <p>3 PROCEEDINGS</p> <p>4 DIRECT EXAMINATION BY MS. DONNELL</p> <p>5</p> <p>6</p> <p style="text-align: center;">EXHIBITS</p> <p>7 Exhibit</p> <p>8 2 - Municipal Policy 3.045</p> <p>9 5 - Detective Division Standard Operational</p> <p>10 Procedures 2015</p> <p>11 9 - Incident Report</p> <p>12 11 - Felony Complaint</p> <p>13 15 - [MARKED IN CONFIDENTIAL PORTION]</p> <p>14 16 - [MARKED IN CONFIDENTIAL PORTION]</p> <p>15 24 - [MARKED IN CONFIDENTIAL PORTION]</p> <p>16 13 - Defendant's Limited Disclosures</p> <p>17 *26 - Video</p> <p>18</p> <p>19 *WILL FORWARD UPON RECEIPT</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 6</p> <p style="text-align: center;">STIPULATION</p> <p>1 The VIDEO deposition of DET. CAMILO R. ANTONINI was</p> <p>2 taken at KENTUCKIANA COURT REPORTERS, 30 SOUTH WACKER</p> <p>3 DRIVE, 22ND FLOOR, CHICAGO, ILLINOIS 60606, via</p> <p>4 videoconference in which all participants attended</p> <p>5 remotely, on MONDAY the 3rd day of JANUARY 2021 at 10:00</p> <p>6 a.m. EST; said deposition was taken pursuant to the</p> <p>7 FEDERAL Rules of Civil Procedure. The oath in this</p> <p>8 matter was sworn remotely pursuant to FRCP 30.</p> <p>9</p> <p>10 It is agreed that AALAYAH PURNELL, being a Notary Public</p> <p>11 and Court Reporter for the State of ILLINOIS, may swear</p> <p>12 the witness and that the reading and signing of the</p> <p>13 completed transcript by the witness is not waived.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 8</p> <p>1 Detective Antonini and all named Defendants,</p> <p>2 participating via Zoom from White Plains, New York.</p> <p>3 Also with me in the room is attorney MaryKate</p> <p>4 Acquisto. She can put her appearance on.</p> <p>5 MS. ACQUISTO: Hi, I'm MaryKate Acquisto. Last</p> <p>6 name is A-C-Q-U-I-S-T-O, also appearing virtually</p> <p>7 from The Quinn Law Firm in White Plains, New York.</p> <p>8 MR. BUSHNELL: And, you know, for the purposes</p> <p>9 of defending the deposition, I will be the only one</p> <p>10 with speaking objections, et cetera.</p> <p>11 VIDEOGRAPHER: Absolutely. Detective Antonini,</p> <p>12 will you please raise your right hand so that</p> <p>13 Aalayah can swear you in? Go ahead.</p> <p>14 COURT REPORTER: Sir, do you solemnly swear or</p> <p>15 affirm that the testimony you are about to give will</p> <p>16 be the truth, the whole truth, and nothing but the</p> <p>17 truth?</p> <p>18 THE WITNESS: I do.</p> <p>19 COURT REPORTER: Thank you. Counsel, you may</p> <p>20 begin.</p> <p>21 DIRECT EXAMINATION</p> <p>22 BY MS. DONNELL:</p> <p>23 Q Okay. Good morning, Detective Antonini. We</p> <p>24 met just before we went on the record, but again, my</p> <p>25 name's Heather Donnell. I represent Alan Seward in this</p>
<p style="text-align: right;">Page 7</p> <p style="text-align: center;">PROCEEDINGS</p> <p>1 VIDEOGRAPHER: We are now on the record. Good</p> <p>2 morning. My name is Krystal Barnes. I'm the online</p> <p>3 video technician and Aalayah Purnell is the court</p> <p>4 reporter. We're representing Kentuckiana Court</p> <p>5 Reporters, located at 730 West Main Street, Suite</p> <p>6 101 in Louisville, Kentucky 40202. Today is the 3rd</p> <p>7 day of January 2022. And the time is 10:00 a.m. We</p> <p>8 are convened by video conference to take the</p> <p>9 deposition of detective Camilo R. Antonini in the</p> <p>10 matter of Alan Seward v. Detective Camilo R</p> <p>11 Antonini, et al., pending in the United States Court</p> <p>12 for the Southern District of New York, case number</p> <p>13 1:20-cv-9251. Will everyone but the witness please</p> <p>14 state your appearance, how you are attending, and</p> <p>15 the location you are attending from, starting with</p> <p>16 the plaintiff's Counsel?</p> <p>17</p> <p>18 MS. DONNELL: Hi. Good morning. My name is</p> <p>19 Heather Lewis Donnell, D-O-N-N-E-L-L, and I</p> <p>20 represent the plaintiff Allen Seward in this matter.</p> <p>21 And with me also is Ms. Angela Perkins. She will be</p> <p>22 present for the deposition, but will be just</p> <p>23 observing.</p> <p>24</p> <p>25 MR. BUSHNELL: Good morning. This is Steven</p> <p>Bushnell from The Quinn Law Firm. I represent</p>	<p style="text-align: right;">Page 9</p> <p>1 matter. And because we're doing this via the Zoom</p> <p>2 format, I just want to make sure and make clear to you</p> <p>3 that if for some reason you don't hear one of my</p> <p>4 questions, either because of the Zoom or because of the</p> <p>5 technology, will you please let me know? And I'm happy</p> <p>6 to state my question again or restate it for you; is</p> <p>7 that okay?</p> <p>8 A Yes.</p> <p>9 Q And the same thing is true, if you don't</p> <p>10 understand one of my questions, will you also let me</p> <p>11 know? And then I'm happy to reframe it. Okay?</p> <p>12 A Okay.</p> <p>13 Q Otherwise, I'm going to assume that you</p> <p>14 understood the question I asked and answered it</p> <p>15 truthfully. Okay?</p> <p>16 A Okay.</p> <p>17 Q And then I imagine we're going to go for a</p> <p>18 while today. So if you need a break, just let me know.</p> <p>19 I'm happy to accommodate a break. I just request that</p> <p>20 you answer one of my questions -- any pending question</p> <p>21 before we take a break. Okay?</p> <p>22 A Okay.</p> <p>23 Q And I don't know if you want the thumbs up</p> <p>24 sign, but maybe for the purposes of our video, we could</p> <p>25 take that off your Zoom screen. Cool.</p>

<p style="text-align: right;">Page 10</p> <p>1 A Take the what? I'm sorry.</p> <p>2 MR. ACQUISTO: Because --</p> <p>3 Q I'm not sure how that happened --</p> <p>4 MS. ACQUISTO: I'll actually just take a look</p> <p>5 at it, because I know when you --</p> <p>6 THE WITNESS: Oh, the thumbs up?</p> <p>7 MS. DONNELL: It's off now.</p> <p>8 MS. ACQUISTO: It is? Oh, it's off.</p> <p>9 MS. DONNELL: It was just -- the thumbs up</p> <p>10 sign.</p> <p>11 MS. ACQUISTO: When you get sworn in and you do</p> <p>12 it, then it, like, has a thing.</p> <p>13 MR. BUSHNELL: Oh, okay.</p> <p>14 BY MS. DONNELL:</p> <p>15 Q I was like, maybe your verbal answers --</p> <p>16 verbal answers, not Zoom emoji answers for me. Okay. So</p> <p>17 Detective Antonini, how many times -- have you been</p> <p>18 deposed before?</p> <p>19 A Yes.</p> <p>20 Q On how many prior occasions have you sat for</p> <p>21 your deposition?</p> <p>22 A Can't recall.</p> <p>23 Q Are you able to estimate how times?</p> <p>24 A I want to say probably less than five, maybe.</p> <p>25 Q Okay. So somewhere -- five or less, you've</p>	<p style="text-align: right;">Page 12</p> <p>1 Q Did you review -- well, I'm going to ask you</p> <p>2 some questions about what you did to prepare for your</p> <p>3 deposition today. But I just want to be clear; I'm not</p> <p>4 asking you to divulge or disclose any of your</p> <p>5 communications with Steve, or Marykate, or any of your</p> <p>6 other lawyers; is that clear?</p> <p>7 A Yes.</p> <p>8 Q Okay. So did you -- first of all, did you</p> <p>9 meet with your attorneys to prepare for your deposition?</p> <p>10 A Yes.</p> <p>11 Q How many occasions did you meet with your</p> <p>12 attorneys to prepare for today?</p> <p>13 A I'll say, maybe twice.</p> <p>14 Q Okay. Were those in person meetings?</p> <p>15 A Yes.</p> <p>16 Q And how long ago was the first meeting that</p> <p>17 you had with your attorneys to prepare for today?</p> <p>18 A I wasn't timing it.</p> <p>19 MR. BUSHNELL: She's asking you when. When was</p> <p>20 it?</p> <p>21 A When was it? Prior to the new year.</p> <p>22 Q Okay. Was it prior to Christmas?</p> <p>23 A Yes.</p> <p>24 Q And how long was that meeting?</p> <p>25 A I wasn't timing it. I'm sorry.</p>
<p style="text-align: right;">Page 11</p> <p>1 been deposed; is that right?</p> <p>2 A Five or less.</p> <p>3 Q Okay. And in those five or less depositions,</p> <p>4 were those all involving lawsuits that were inquiring</p> <p>5 into your work as a Mount Vernon police officer? Or did</p> <p>6 some of those cases have to do with some other -- like a</p> <p>7 private lawsuit outside your work?</p> <p>8 A Work related.</p> <p>9 Q Okay. And all of the prior depositions, have</p> <p>10 they been work related since your employment with the</p> <p>11 Mount Vernon Police Department?</p> <p>12 A Yes.</p> <p>13 Q Okay. Do you remember the names of any of</p> <p>14 those cases -- the plaintiffs in any of the actions</p> <p>15 where you've been deposed previously?</p> <p>16 A No, I do not.</p> <p>17 Q In all of the prior occasions when you've been</p> <p>18 deposed, were you a named Defendant?</p> <p>19 A Can't recall whether I was or I wasn't.</p> <p>20 Q Have you ever testified at a civil trial</p> <p>21 related to your work as a Mount Vernon police officer?</p> <p>22 So I'm not asking about criminal trials, but any civil</p> <p>23 cases?</p> <p>24 A I don't recall ever testifying in a civil</p> <p>25 trial.</p>	<p style="text-align: right;">Page 13</p> <p>1 Q Was it more than an hour?</p> <p>2 A Just about an hour, give or take.</p> <p>3 Q Okay. And that was the first meeting you</p> <p>4 recall having, preparing for your deposition, correct?</p> <p>5 A Maybe -- yes.</p> <p>6 Q And that was so time before Christmas -- was</p> <p>7 it in the month of December?</p> <p>8 A One of them. Yes.</p> <p>9 Q And that meeting, you'd estimate was</p> <p>10 approximately an hour long?</p> <p>11 A Give or take.</p> <p>12 Q Did you look at any documents during that</p> <p>13 first meeting you've just testified to?</p> <p>14 A Yes.</p> <p>15 Q Okay. What documents did you look at?</p> <p>16 A Reports.</p> <p>17 Q What kind of reports?</p> <p>18 A Department reports, anything that had possibly</p> <p>19 my name, reports that I wrote, or the complaints that</p> <p>20 were filed.</p> <p>21 Q And when you're saying, "Complaints that were</p> <p>22 filed," what are you referring to?</p> <p>23 A Complaints that were filed against me.</p> <p>24 Q Are you talking about citizen complaints that</p> <p>25 were filed against you?</p>

<p style="text-align: right;">Page 14</p> <p>1 A Correct.</p> <p>2 Q Do you recall any of the citizen complaints</p> <p>3 that you reviewed during your first meeting to prepare</p> <p>4 for your deposition?</p> <p>5 A No.</p> <p>6 Q I'm sorry, can you repeat that for me?</p> <p>7 A No, I don't.</p> <p>8 Q Do you remember how many citizen complaints</p> <p>9 you reviewed during your first meeting with your</p> <p>10 attorneys?</p> <p>11 A I don't, sorry.</p> <p>12 Q And when you said you reviewed police reports,</p> <p>13 what kind? Were those police reports related to the</p> <p>14 incident that's at issue in Mr. Seward's complaint?</p> <p>15 A That is correct.</p> <p>16 Q And then you reviewed citizen complaints that</p> <p>17 had to do with other individuals, correct?</p> <p>18 A Correct.</p> <p>19 Q Any other documents that you reviewed?</p> <p>20 A No.</p> <p>21 Q Did you look at any video or photographs?</p> <p>22 A Video.</p> <p>23 Q Okay. What video did you -- this was during</p> <p>24 the first meeting you reviewed some video; is that</p> <p>25 right?</p>	<p style="text-align: right;">Page 16</p> <p>1 Mr. Seward's lawsuit? Or is your memory limited to</p> <p>2 what's in the documents and in the video?</p> <p>3 A Other than what was presented to me in the</p> <p>4 report and video, that particular incident didn't have</p> <p>5 any significance of me -- for me to remember it. There</p> <p>6 was -- other than me recording the apartment and --</p> <p>7 that's to the extent of my recollection of that</p> <p>8 incident.</p> <p>9 Q Okay. So is it accurate to say that your</p> <p>10 memory of the events of November 7, 2017 is limited to</p> <p>11 what was -- how your memory was refreshed through the</p> <p>12 police reports you reviewed and the video you reviewed?</p> <p>13 A Yes, pretty much.</p> <p>14 Q Do you have a memory of any of the events of</p> <p>15 November 7, 2017, outside of what you read in the police</p> <p>16 reports or observed in the video?</p> <p>17 A No.</p> <p>18 Q And so looking at those documents and</p> <p>19 reviewing those videos did not refresh your recollection</p> <p>20 in any way, as to events that occurred outside of what's</p> <p>21 documented in the reports or in the video; is that</p> <p>22 right?</p> <p>23 A That is right.</p> <p>24 Q How about the second meeting you had with your</p> <p>25 attorneys to prepare for today in person meeting? When</p>
<p style="text-align: right;">Page 15</p> <p>1 A It's the same video. Just --</p> <p>2 Q What do you mean it's the same video?</p> <p>3 A Video pertaining to this case.</p> <p>4 Q Okay. Did you review more than one video or</p> <p>5 just one video?</p> <p>6 A The only video.</p> <p>7 Q Okay. And describe the video that you</p> <p>8 observed?</p> <p>9 A The video is of the search of the apartment.</p> <p>10 Q Are you present in that video?</p> <p>11 A My voice is, but I am present in that</p> <p>12 apartment. Yes.</p> <p>13 Q Are you the one operating the video cam</p> <p>14 recorder?</p> <p>15 A I am.</p> <p>16 Q Okay. Prior to your meeting with your</p> <p>17 Counsel, sometime in December of 2021, where you looked</p> <p>18 at police reports, and citizen complaints, and watched</p> <p>19 the video from the search on First Avenue, did you have</p> <p>20 an independent recollection of the events that are the</p> <p>21 subject of this lawsuit?</p> <p>22 A No.</p> <p>23 Q Okay. So -- and as you sit here today -- when</p> <p>24 I'm questioning you today, do you have an independent</p> <p>25 recollection of any of the events pertaining to</p>	<p style="text-align: right;">Page 17</p> <p>1 was that meeting?</p> <p>2 A I don't recall a specific day.</p> <p>3 Q Was it last week?</p> <p>4 A No. Last week was Christmas.</p> <p>5 Q Well, last week -- Monday was the 27th,</p> <p>6 Christmas was Saturday the 25th.</p> <p>7 A I was on vacation. So no, it wasn't last</p> <p>8 week.</p> <p>9 Q Okay.</p> <p>10 MR. BUSHNELL: Heather, could we take one</p> <p>11 second, please?</p> <p>12 MS. DONNELL: You want to take a break?</p> <p>13 MR. BUSHNELL: Yeah, real quick.</p> <p>14 MS. DONNELL: Sure. We can go off the record.</p> <p>15 (OFF THE RECORD)</p> <p>16 VIDEOGRAPHER: The time is now 10:14 a.m.</p> <p>17 BY MS. DONNELL:</p> <p>18 Q Okay. Now you can -- Detective Antonini, is</p> <p>19 there a prior answer you'd like to clarify?</p> <p>20 A Yes. I will admit one prior time in</p> <p>21 preparation for this deposition. In regards to this</p> <p>22 case, yes.</p> <p>23 Q Okay. And did you meet with your attorneys</p> <p>24 before the deposition commenced this morning?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 18</p> <p>1 Q Did you look at any documents this morning?</p> <p>2 A Briefly reviewed through the documents. Yes.</p> <p>3 Q What documents did you look at this morning?</p> <p>4 A Same documents that were presented to me</p> <p>5 before.</p> <p>6 Q And that means the police report from the</p> <p>7 November 7, 2017 incidents?</p> <p>8 A Yes.</p> <p>9 Q Did you look at the video today?</p> <p>10 A No.</p> <p>11 Q Okay. Have you had any -- again, so just to</p> <p>12 clarify, I'm not asking you to divulge or disclose any</p> <p>13 of your communications with your attorneys. But have</p> <p>14 you had any meetings with your attorneys, in which other</p> <p>15 of the defendant officers named in this lawsuit were</p> <p>16 present?</p> <p>17 MR. BUSHNELL: Objection. Go ahead.</p> <p>18 A I don't recall. Possibly, somebody coming in</p> <p>19 and me going out. Or the other way around, me coming in</p> <p>20 and the other person leaving.</p> <p>21 Q Other than the conversations you've had to</p> <p>22 prepare for your deposition with your attorneys, have</p> <p>23 you had any conversations with any of your work</p> <p>24 colleagues about your deposition today or the subject</p> <p>25 matter of your deposition today?</p>	<p style="text-align: right;">Page 20</p> <p>1 any awareness, that that's one of the patterns and</p> <p>2 practices the Department of Justice is investigating?</p> <p>3 A I am aware that the Department of Justice is</p> <p>4 investigating the city of Mount Vernon. What they're</p> <p>5 investigating, I'm not -- you know, I'm not aware.</p> <p>6 Q Okay. So then I'm just going to repeat my</p> <p>7 question. I'm going to represent to you that one of the</p> <p>8 things they're looking into is -- they're looking at and</p> <p>9 investigating the possible pattern or practice of</p> <p>10 unlawful strip searches by the Mount Vernon Police</p> <p>11 Department. Is this, right now, the first time you're</p> <p>12 being made aware of that?</p> <p>13 A I was made aware of the Department of Justice</p> <p>14 investigating the seat of Mount Vernon Police Department</p> <p>15 through the same media outlets that, you know, I saw on</p> <p>16 the news. Nobody, you know, specifically or directly</p> <p>17 expressed anything in regards to me.</p> <p>18 Q Okay. Okay. I just want to make sure that</p> <p>19 you're understanding my question. So my question is,</p> <p>20 because I've made a representation to you about one of</p> <p>21 the subject matters of the Department of Justice's</p> <p>22 investigation, is that clear to you?</p> <p>23 A Yes.</p> <p>24 Q Okay. And it has to do with a possible</p> <p>25 pattern and practice of unlawful strip searches by the</p>
<p style="text-align: right;">Page 19</p> <p>1 A No.</p> <p>2 Q Okay. Are you aware of a federal</p> <p>3 investigation by the United States Department of Justice</p> <p>4 into the Mount Vernon Police Department regarding</p> <p>5 certain policies and practices? Do you have any</p> <p>6 knowledge or awareness of that investigation?</p> <p>7 A I am aware. Knowledge of what they're</p> <p>8 investigating, no.</p> <p>9 Q I'm sorry. Can you clarify the last part of</p> <p>10 your answer? You don't know what they're investigating?</p> <p>11 A No.</p> <p>12 Q So as you sit here today, you have no</p> <p>13 knowledge of what particular patterns or practices the</p> <p>14 United States Department of Justice is investigating for</p> <p>15 the Mount Vernon Police Department?</p> <p>16 MR. BUSHNELL: Objection. You can answer.</p> <p>17 A That is correct.</p> <p>18 Q Okay. Is this -- I will represent to you that</p> <p>19 one of the things the Department of Justice is looking</p> <p>20 into is a pattern and practice of unlawful strip</p> <p>21 searches. Are you -- is this the first time you're</p> <p>22 hearing that?</p> <p>23 A Is that the comment that was expressed on the</p> <p>24 news media outlets?</p> <p>25 Q Well, I'm just asking you. Have you not had</p>	<p style="text-align: right;">Page 21</p> <p>1 Mount Vernon Police Department. Do you hear that?</p> <p>2 A Yes.</p> <p>3 Q Okay. My question to you is, is right now, me</p> <p>4 making that information available to you, the first time</p> <p>5 you're being made aware that that is one of the patterns</p> <p>6 and practices that Department of Justice is</p> <p>7 investigating?</p> <p>8 A No.</p> <p>9 Q Or did you know that before?</p> <p>10 A I didn't know that before.</p> <p>11 Q Okay. So it's correct to say this is the</p> <p>12 first time, here in your deposition, that you're</p> <p>13 learning that information?</p> <p>14 A What I heard on the news when they, you know,</p> <p>15 came out and said what they were going to do.</p> <p>16 Q Okay. And just to be clear, you told me</p> <p>17 earlier, you knew there was an investigation, but you</p> <p>18 didn't know the subject matter of the investigation,</p> <p>19 correct?</p> <p>20 A Correct.</p> <p>21 Q Okay. And then I made a representation to</p> <p>22 you, of a particular subject matter they are</p> <p>23 investigating related to unlawful strip searches, right?</p> <p>24 A Yes.</p> <p>25 Q And then my question is, is right now the</p>

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1 first time you are learning that information? And I
2 don't feel like I've gotten an answer quite -- whether
3 it's clear to me, whether you're just learning that
4 information for the first time now, or you knew about it
5 earlier?

6 A When I learn -- the same. When I learned it
7 on the news. When they came out and said it.

8 Q Okay. So --

9 MR. BUSHNELL: Maybe it would be more helpful --
10 - can you ask him what he learned from the news
11 report that you're referring to?

12 BY MS. DONNELL:

13 Q Sure. It sounded like -- I asked you if you
14 had known any of this subject matter that the Department
15 of Justice was looking into. And you said, no, you just
16 generally knew about the investigation. Can you clarify
17 for me, what you learned when you listened to the news
18 report about what the Department of Justice was
19 investigating -- your understanding of their
20 investigation?

21 A Practicing policies that were -- you know,
22 Mount Vernon -- the City of Mount Vernon Police
23 Department were having at the time, or whenever this
24 pattern was happening. And one of the patterns is
25 illegal strip searches and anything to that nature.

Page 23

1 Q Okay. So then you did know that they were
2 looking into a possible pattern and practice of unlawful
3 strip searches when you listened to the news? That's
4 when you became aware of that information, correct?

5 A I became aware when I heard the news.

6 Q Okay. Got it. So you knew that before your
7 deposition today, correct?

8 A Yes.

9 Q Okay. Have you been interviewed by the
10 Department of Justice for its investigation?

11 MR. BUSHNELL: Objection. Go ahead.

12 A No.

13 Q Have you -- do you have any awareness of
14 whether the Department of Justice has sought to
15 interview you?

16 MR. BUSHNELL: Objection. You can answer.

17 A No.

18 Q Okay. Do you -- have you retained Counsel,
19 for purposes of the Department of Justice's
20 investigation?

21 MR. BUSHNELL: Objection. You can answer.

22 A No.

23 Q Have you ever been interviewed the FBI, for
24 your work as a police officer with Mount Vernon?

25 A No.

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1 Q Have you had any contact with the Southern
2 District of New York US Attorney's Office?

3 A No.

4 Q Have you had any interviews --

5 MR. BUSHNELL: Sorry -- let -- let her finish
6 her question.

7 Q Have you been interviewed by anyone from the
8 Southern District of New York US Attorney's Office?

9 MR. BUSHNELL: In regard -- sorry -- can we --

10 Q In regard to your work as a Mount Vernon
11 police officer?

12 A No.

13 Q All right. You became a sworn officer with
14 the Mount Vernon Police Department in January of 2008;
15 is that correct?

16 A That is correct.

17 Q Okay. Prior to that, you were employed with
18 the NYPD -- the New York Police Department, right?

19 A Yes.

20 Q And is it accurate to say you were employed
21 with the New York Police Department from January 9, 2006
22 to January 3, 2008?

23 A Yes.

24 Q Okay. So it was just a little shy of two
25 years, right?

Page 25

1 A Yes.

2 Q Have you ever been employed by any other law
3 enforcement agencies other than NYPD and Mount Vernon?

4 A No.

5 Q Have you applied to join any other law
6 enforcement agencies other than the New York Police
7 Department and the Mount Vernon Police Department?

8 A While employed?

9 Q No. Just at any other time in your life, have
10 you tried to -- have you made an application to any
11 other law enforcement agencies other than those two?

12 A Oh, yes. LAPD, border patrol, DEA, to name a
13 few, you know --

14 Q Yeah. What other ones? LAPD, border patrol --
15 - that's for the US government?

16 A Correct. DEA. But this was all while I was
17 still in the United States Marine Corps. So we're going
18 back to possibly 2002, 2003.

19 Q Okay. How long were you active duty with the
20 Marine Corps?

21 A Four years.

22 Q Three years?

23 A Four years.

24 Q Oh, four years. Sorry, I misheard you. What
25 years were you active duty with the US Marine Corps?

<p style="text-align: right;">Page 26</p> <p>1 A December 1999 to December 2003.</p> <p>2 Q And what was the status of your discharge?</p> <p>3 A Honorably.</p> <p>4 Q Did you do any tours overseas?</p> <p>5 A Yes.</p> <p>6 Q Where did you serve?</p> <p>7 A Iraq.</p> <p>8 Q Did you do one or more than one tour in Iraq?</p> <p>9 A One tour.</p> <p>10 Q How long was your tour?</p> <p>11 A October 2002 to March or April 2003. One of</p> <p>12 the two, or longer than that, if I recall.</p> <p>13 Q After you left the Marine Corps in December</p> <p>14 2003, where did you work -- did you work before your</p> <p>15 employment with the New York Police Department in</p> <p>16 January 2006?</p> <p>17 A W.B. Mason.</p> <p>18 Q I'm sorry, you'll have to repeat that for me.</p> <p>19 A W.B. Mason.</p> <p>20 Q W.B. Mason? What is W.B. Mason?</p> <p>21 A W.B. Mason is a paper supply company.</p> <p>22 Q Where is it located? Or where were you</p> <p>23 working for W.B. Mason?</p> <p>24 A At the time I was sta -- the company was</p> <p>25 located in Secaucus, New Jersey.</p>	<p style="text-align: right;">Page 28</p> <p>1 military duty into a law enforcement career. But the</p> <p>2 process was so long that -- you know, from me coming</p> <p>3 back from war time, didn't have enough time for me to</p> <p>4 transition into a law enforcement career. So my time</p> <p>5 ended, and I had to pretty much just come back to New</p> <p>6 York, stay with -- and find another job while I was</p> <p>7 applying to NYPD.</p> <p>8 Q So it sounds like the agencies you mentioned</p> <p>9 before, LAPD, border patrol, and DEA, you applied to</p> <p>10 while you were active duty with the Marine Corps,</p> <p>11 correct?</p> <p>12 A Correct.</p> <p>13 Q Did you also apply it -- to the NYPD, while</p> <p>14 you were active duty with the Marine Corps?</p> <p>15 A I don't think so, no.</p> <p>16 Q Were there any other law enforcement agencies,</p> <p>17 other than the three that you earlier testified to?</p> <p>18 A I can't remember, no.</p> <p>19 Q Okay. Were you offered positions with LAPD?</p> <p>20 A I had a formal interview, and right after</p> <p>21 that, I believe it was -- you know, I had to wait a</p> <p>22 little bit. The last thing I remember was having a</p> <p>23 formal interview and then waiting for the call back. But</p> <p>24 during, like, my end of, you know, contract with the</p> <p>25 Marine Corps came in, so I couldn't stay in California.</p>
<p style="text-align: right;">Page 27</p> <p>1 Q Secaucus, New Jersey?</p> <p>2 A Yes.</p> <p>3 Q And what position did you have with the W.B.</p> <p>4 Mason company?</p> <p>5 A I was a delivery -- delivery truck driver.</p> <p>6 Q How long were you employed by W.B. Mason as a</p> <p>7 delivery truck driver?</p> <p>8 A As soon as I was discharged from the military</p> <p>9 until I was hired by the NYPD. So it was pretty much my</p> <p>10 waiting period for the hiring.</p> <p>11 Q When did you first apply to NYPD?</p> <p>12 A Oh, I don't -- I can't remember. It's a long,</p> <p>13 long time ago.</p> <p>14 Q Was it a long time before you were employed</p> <p>15 with them in 2006?</p> <p>16 A Oh, no. I want to say, probably a year prior</p> <p>17 of being hired, give or take, somewhere around that time</p> <p>18 frame.</p> <p>19 Q And was that the same time period that you</p> <p>20 were also applying to the other agencies you mentioned?</p> <p>21 The LAPD, border patrol, DEA?</p> <p>22 A No, I was applying to them, while I was still</p> <p>23 employed -- while I was still inside the military.</p> <p>24 Q Okay. Did you--</p> <p>25 A I wanted somehow to transition from doing my</p>	<p style="text-align: right;">Page 29</p> <p>1 I just came back to New York. So the time between was</p> <p>2 not close enough.</p> <p>3 Q Got it. Were you stationed out of San Diego</p> <p>4 with the Marine Corps?</p> <p>5 A San Diego, California. Yes.</p> <p>6 Q Okay. How about border patrol? Did you get a</p> <p>7 formal interview with border patrol?</p> <p>8 A I don't think so. I don't remember, no.</p> <p>9 Q How about the DEA?</p> <p>10 A No, they were looking for college,</p> <p>11 unfortunately.</p> <p>12 Q Oh, I haven't even asked you that. Can you</p> <p>13 describe for me your educational background? Do you</p> <p>14 have a high school diploma?</p> <p>15 A High school diploma.</p> <p>16 Q When did you graduate? Or where did you</p> <p>17 attend high school?</p> <p>18 A George Washington High School.</p> <p>19 Q Where is that located?</p> <p>20 A City of New York.</p> <p>21 Q Did you graduate from George Washington High</p> <p>22 School?</p> <p>23 A Yes.</p> <p>24 Q What year?</p> <p>25 A 1999.</p>

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1 Q Okay. Have you attended any post-high school
2 classes in college?
3 A No. Other than what I attended in the Marine
4 Corps.
5 Q And what did you -- you mean like basic
6 training?
7 A Basic training and supplemental training. That
8 was a college credit.
9 Q What kind of college credit did you get? What
10 courses?
11 A Can't remember that.
12 Q Okay. So you were -- let's talk about your
13 employment with the New York Police Department. Did you
14 -- you wrote your swear in date was January 9, 2006; is
15 that right?
16 A I believe so.
17 Q Did you attend the academy -- the police
18 academy?
19 A Yes.
20 Q How long was that?
21 A Roughly, six months, I think.
22 Q Is that run by NYPD?
23 A Yes.
24 Q How much of the six months is classroom
25 coursework? Is that all classrooms for six months? Or

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1 are you on the street for part of that?
2 A All classroom.
3 Q So it's six months of classroom?
4 A Yes.
5 Q And then you are assigned as a probationary
6 officer in the patrol division; is that right?
7 A Yes.
8 Q Where were you assigned as a probationary
9 officer in the patrol division of the New York Police
10 Department?
11 A 23rd Precinct.
12 Q And you'll have to tell me the geographic area
13 of the 23rd Precinct, because I'm not as familiar with
14 NYPD's precincts.
15 A East Harlem.
16 Q East Harlem? Thank you. Did you get through
17 your probationary period?
18 A Yes.
19 Q Where were you assigned after your
20 probationary period ended?
21 A Soon after the 23rd Precinct, I was stationed
22 at the 26th Precinct, which is on the west side of
23 Manhattan -- Upper West Side. I was there for a brief -
24 - brief time. And then I was assigned to the Manhattan
25 North Task Force.

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1 Q The Manhattan what task force?
2 A Manhattan North.
3 Q What is the Manhattan North Task Force?
4 A It's sort of like a unit that's pretty much
5 tasked with responding to, like, major incidents, all
6 the hot zones throughout the whole northern Manhattan.
7 And they address -- I don't know, areas where they're
8 being -- you know, like, they have the most crimes.
9 Q Is it a tactical unit? Or it's just a special
10 unit within patrol?
11 A Special unit within patrol.
12 Q Okay. And it sounds like you get called out
13 to incidents that might need additional patrol officers?
14 A Correct.
15 Q Is it a uniformed position?
16 A At the time, yes.
17 Q How long did you work for the New York Police
18 Department assigned to the Manhattan North Task Force?
19 A All the way up to the -- my transfer to -- all
20 the way up to my resignation.
21 Q So I was going to ask, you resigned from the
22 New York Police Department?
23 A Yes.
24 Q Why did you choose to resign from the New York
25 Police Department?

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1 A In order to be hired by the Mount Vernon
2 Police Department.
3 Q Why did you want to leave NYPD to go to Mount
4 Vernon?
5 A Why?
6 Q Yeah.
7 A Better pay -- at the time it was better pay.
8 Q Any other reason other than at the time it was
9 better pay for police officers at Mount Vernon?
10 A No. Well, the purpose was to leave New York
11 City in order to come into the Westchester County.
12 Q Okay.
13 A It's better benefits, better pay. Everything
14 is better at the time.
15 Q Okay. Is it different now? Is it -- you're
16 saying at the time, it was better benefits, better pay.
17 Is it different now? Does New York police get paid
18 better -- better pay now?
19 A NYPD?
20 Q Yeah.
21 A Compared to City of Mount Vernon?
22 Q Yeah.
23 A I don't know how you want me to answer that.
24 Q If you know. Well, you're saying at the time
25 -- at the time it was better pay, and I was just curious

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1 if something has changed now where --

2 A Well, it's always changing, but you know, if
3 you give a choice to somebody in NYPD right now, whether
4 they would like to transfer out of there to another
5 department? I don't think any cop will hesitate. So I
6 -- obviously, you know, I'm speculating, but the
7 sentiment between the younger generation police officer,
8 they'd rather go to other departments that are better
9 pay, less stress -- you know, you don't have to deal
10 with a lot of interaction or -- you know, it is a whole
11 different mentality.

12 Q Okay. When did you first apply to the Mount
13 Vernon police department?

14 A So I was hired sometime in January, correct. I
15 want to say six months prior to that, if I remember, I
16 took the test.

17 Q Okay. Before we move on, I forgot to ask. Did
18 you have -- are you aware of whether you had citizen
19 complaints filed against you when you were a New York
20 police officer? I'm sorry. What's that?

21 A That's a big zero. Never.

22 Q Oh, that's a zero. Okay.

23 MR. BUSHNELL: You got -- you've got to do
24 verbal answers.

25 Q You have to give me a verbal answer.

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1 Otherwise, I -- the transcript -- Aalayah will -- needs
2 your verbal answer. But okay, got it. So had -- you
3 have awareness of -- did you have any disciplinary
4 actions against you, while you were a New York Police
5 Department officer?

6 A Never.

7 Q Okay. All right. So let's go back to Mount
8 Vernon then. Okay. So you started with Mount Vernon, I
9 have it January 8, 2008. Does that sound right to you?

10 A Give or take, yes.

11 Q Okay. Now when you became a Mount Vernon
12 police officer, you -- did you have to go back to the
13 academy?

14 A No.

15 Q Okay. Did you start right away then, as a
16 patrol officer with the Mount Vernon Police Department?

17 A My probationary period was shorter than
18 somebody that would've graduated from the Westchester
19 County Police Academy.

20 Q Got it. But basically your time with the New
21 York Police Department Police Academy, you were able to
22 waive attending any academy at Westchester because you'd
23 done six months with NYPD, correct?

24 A Correct.

25 Q Okay. Was there any additional training that

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1 you got on the policies and practices for the Mount

2 Vernon Police Department when you first started?

3 A The refresher into their own policies,
4 department -- departmental policies at the time, yes.

5 Q How long was that -- what you're saying, like,
6 refresher on the Mount Vernon police office -- Mount
7 Vernon Police Department policies?

8 A In house training, I can't remember a specific
9 time frame, but did I want to say probably a couple of
10 weeks, maybe.

11 Q So you were in classroom a couple weeks,
12 before you went out on the street?

13 A Correct. Yes.

14 Q Okay. And so somewhere between two to three
15 weeks, you think?

16 A I can't remember the time frame, but the --

17 Q Were you at the police academy with other
18 cadets being trained or were you getting --

19 A No.

20 Q -- individual training?

21 A It was the whole -- their graduating class at
22 the time, plus I believe it was me and another
23 individual that were NYPD transfers. So I can't
24 remember the number of guys that they had graduated, but
25 it was roughly somewhere in between 15, maybe 20

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1 altogether. And we were all being in-house trained at
2 the time in Mount Vernon PD.

3 Q And that was being run by Mount Vernon PD?

4 A Yes.

5 Q I see. So it was --

6 A By their training unit.

7 Q I see. Let me just clarify. So for people
8 who were new police officers, they got trained by
9 Westchester County at the police academy and then you
10 plus another individual transferring from NYPD, all of
11 you came together for some additional classroom training
12 by just Mount Vernon?

13 A Correct.

14 Q Okay. And that portion, the Mount Vernon
15 portion, you think was approximately two to three weeks?

16 A Give or take. I can't remember the exact
17 amount -- the exact time.

18 Q Okay. Do you recall any of the subject matter
19 that you were trained on by Mount Vernon?

20 A It was pretty much all of their policies and
21 procedures.

22 Q Do you remember being trained on how to
23 conduct pat-down searches by Mount Vernon?

24 A I -- specific subjects, I don't remember.

25 Q Okay.

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1 A But I can tell you that it was all their
2 practices, policies, everything that had to be Mount
3 Vernon related was, you know, pretty much just given to
4 us during that timeframe, so...

5 Q But -- oh, I didn't want to interrupt you.
6 Continue.

7 A Everybody that graduated from the academy was
8 -- they graduated based on becoming a police officer.
9 Nothing specific related to the Mount Vernon Police
10 Department. Anything Mount Vernon Police Department
11 related was given to us at the Mount Vernon Police
12 Department in-house training.

13 Q Okay. But say -- let -- so, but as you sit
14 here today, are you able to identify for me, based on
15 your memory, any of the specific subject matter that you
16 were trained on by Mount Vernon?

17 A Give you an example right now. How to use the
18 -- how to use the Ten-codes, which is pretty much how do
19 we use the codes on the radio. That was one of them
20 that I can remember.

21 Q Okay.

22 A They taught us how the city of Mount Vernon is
23 broken into sectors, how to respond on the radio, how --
24 you know, what commands do we usually use, you know. And
25 then, you know, they went into depth in regards to like

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1 policies, procedures, in regards to uniform, anything
2 that, you know -- everything Mount Vernon related.

3 Q Okay. Did you, during this Mount Vernon
4 training, get trained on Mount Vernon's policies and
5 practices with respect to conducting custodial searches;
6 if you recall?

7 A Correct. I don't recall, but I'm sure we did.
8 Okay.

9 Q Well, I only want to know what you actually
10 remember, so...

11 A So no, I don't remember. No.

12 Q Okay. And did you -- do you have a specific
13 recollection of being trained on Mount Vernon's policy
14 and practice with respect to conducting strip searches?

15 A I don't remember.

16 Q And how about the same question with respect
17 to Mount Vernon's policies and practices with body
18 cavity searches?

19 A I don't remember.

20 Q Okay. Do you remember any of the individuals
21 who provided that training to you and the other
22 officers?

23 A Yes, but they are long since retired. I mean,
24 I keep -- but that -- those Lieutenant Vincent Manzione.

25 Q Vincent Manzione?

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1 A Manzione. I remember he was --

2 Q Manzione.

3 A Manzione. Yes

4 MR. BUSHNELL: M-A-N-Z-I-O-N-E.

5 Q Okay. Got it. Any other individuals that you
6 recall as you sit here today? That -- even if they're
7 retired.

8 A Joseph Cappuccilli was another one of the
9 training officers.

10 MR. BUSHNELL: I don't know how to spell that
11 one.

12 A I don't know how to spell his name.

13 Q I think -- I got it close enough. Cappuccilli
14 -- Joseph Cappuccilli. Anyone else?

15 A I can't think of the other officer's name, but
16 there was -- there were two officers -- was the
17 Lieutenant Vincent Manzione. That's all I can remember.

18 Q Okay. Thank you. Again, obviously, I'm
19 asking questions, some of this from a long time ago, so
20 it's just to the best of your ability.

21 A Correct.

22 Q Okay. All right. So then, after you
23 completed this, you know, refresher, however you've
24 described it, but this time on Mountain Vernon's
25 specific policies, were you given an assignment -- your

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1 first assignment with Mount Vernon Police Department?

2 A Patrol.

3 Q And were you initially a probationary officer?

4 A Be -- for a short period of time, yes.

5 Q Do you remember how long that period of time
6 was?

7 A Everybody's -- I believe everybody's
8 probationary period at the time was 18 months. I believe
9 we had a six-month probationary period.

10 Q When you're saying six months, are you're
11 referring to the other individuals that was coming with
12 you from NYPD?

13 A Yes. There was only two.

14 Q Who was that other individual?

15 A Can't remember his name specific because he
16 didn't last too long in Mount Vernon.

17 Q Okay.

18 A He transferred somewhere else.

19 Q Got it. Okay. So you were assigned to
20 patrol, and you were probationary for approximately six
21 months. Where were you assigned to patrol initially?

22 A Patrol. Uniform patrol.

23 Q Is Mount Vernon just -- have one division,
24 like one patrol division?

25 A No. No, we have the patrol division, the

<p style="text-align: right;">Page 42</p> <p>1 detective division, the support services division. They</p> <p>2 have the training unit.</p> <p>3 MR. BUSHNELL: I think she's asking about</p> <p>4 precincts.</p> <p>5 Q I'm sorry. Precinct. Does -- is the patrol</p> <p>6 division divided up into various precincts from Mount</p> <p>7 Vernon?</p> <p>8 A No, there's only one police department in the</p> <p>9 City of Mount Vernon.</p> <p>10 Q One police department. Is there one district?</p> <p>11 Only one district for the whole city?</p> <p>12 A Yes.</p> <p>13 Q So there's just -- okay. And are there</p> <p>14 different beats within that -- within -- sorry, let me</p> <p>15 strike that. Let me just make sure I got this here. For</p> <p>16 Mount Vernon, there's just one police department, one</p> <p>17 police district. The city's not subdivided into</p> <p>18 different stations or districts?</p> <p>19 A No, it's 4.4 square miles. Only has one</p> <p>20 police.</p> <p>21 Q Okay. How many officers -- sworn officers,</p> <p>22 does Mount Vernon have right now; if you know?</p> <p>23 A I can't tell you a number to tell you the</p> <p>24 truth. I -- roughly -- somewhere under 200.</p> <p>25 Q Under 200? And is it -- do you -- does Mount</p>	<p style="text-align: right;">Page 44</p> <p>1 Q Okay. And what was your next assignment?</p> <p>2 A After that, I came back to Mount Vernon, was</p> <p>3 assigned back to patrol for another six months, give or</p> <p>4 take. And I believe I was then reassigned to the</p> <p>5 detective division narcotics unit.</p> <p>6 Q Did you have to make an application to be</p> <p>7 assigned to the detective division narcotics unit?</p> <p>8 A No.</p> <p>9 Q Do you know how you got reassigned to the</p> <p>10 detective divisions narcotics unit?</p> <p>11 A Well, you have to -- in -- the department puts</p> <p>12 out a notice saying any individual or any officer</p> <p>13 willing -- just wants to be part of the detective</p> <p>14 division, specifically the narcotics unit, submit an MV5</p> <p>15 (phonetic) or, you know, request in order to be, you</p> <p>16 know, looked at it or however we --</p> <p>17 Q Did you submit -- I'm so sorry. I thought you</p> <p>18 were done. Go ahead. Did you submit a request?</p> <p>19 A I don't remember submitting a request in.</p> <p>20 Q You -- okay. So you think you may have just</p> <p>21 been reassigned without putting in the request?</p> <p>22 A I don't remember. I don't recall putting in a</p> <p>23 request. I was given the choice. They said, listen, we</p> <p>24 like your -- you know, the way you handle yourself on</p> <p>25 patrol, with your activity level whatnot, blah, blah,</p>
<p style="text-align: right;">Page 43</p> <p>1 Vernon work in three shifts? Patrol -- does patrol work</p> <p>2 in three shifts?</p> <p>3 A Yes.</p> <p>4 Q What are the shifts for patrol at Mount -- in</p> <p>5 Mount Vernon?</p> <p>6 A Midnight to 0800, 0800 to 1600, which is 4:00.</p> <p>7 Q Is that second shift? That was first shift</p> <p>8 was midnight to --</p> <p>9 A The first shift will be the midnight shift.</p> <p>10 Q Yep.</p> <p>11 A Second shift will be from 0800 to 1600.</p> <p>12 Q Okay.</p> <p>13 A And the third shift will be from 1600 to 2400</p> <p>14 hours.</p> <p>15 Q Got it. Okay. So you were assigned -- how</p> <p>16 long were you assigned as a patrol officer for the Mount</p> <p>17 Vernon Police Department?</p> <p>18 A I was assigned to patrol for six months. And</p> <p>19 right after that I was sent to the Westchester County</p> <p>20 Police Academy as a class counselor for six months. In</p> <p>21 other words, to be sort of, like, a support or</p> <p>22 instructor to the class academy attending the police</p> <p>23 academy at the time.</p> <p>24 Q Okay. That was for six months?</p> <p>25 A Six months.</p>	<p style="text-align: right;">Page 45</p> <p>1 blah. We'd like to extend an invitation to be part of</p> <p>2 the narcotic unit. I said, okay, yes, sure.</p> <p>3 Q When did you join the narcotics unit for the</p> <p>4 Mount Vernon Police Department?</p> <p>5 A Specific date, I don't remember, but I believe</p> <p>6 the year was 2009. Give or take somewhere February,</p> <p>7 January, somewhere there.</p> <p>8 Q So it was approximately a year after you'd</p> <p>9 been working with Mount Vernon Police Department?</p> <p>10 A Yes.</p> <p>11 Q Are you still a member of the narcotics unit?</p> <p>12 A No.</p> <p>13 Q Okay. How long did you serve in the detective</p> <p>14 division, in the narcotics unit, with the Mount Vernon</p> <p>15 Police Department?</p> <p>16 A I want to say pretty much my whole entire</p> <p>17 career.</p> <p>18 Q Okay. I'm sorry -- but where are you assigned</p> <p>19 now?</p> <p>20 A I am assigned at the real time crime unit</p> <p>21 attached to the Westchester County police department.</p> <p>22 Q When did you get assigned to the real time</p> <p>23 crime unit for the Westchester County Police Department?</p> <p>24 A I want to say, it's coming up on a year --</p> <p>25 close to a year now.</p>

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1 Q So sometime in January or February of 2021,
2 you got reassigned?
3 A I think it was February.
4 Q Are you still -- you know, you're still a
5 Mount Vernon Police Department police officer, but
6 you're seconded over to Westchester County; is that
7 right?
8 A Correct.
9 Q But your paycheck and everything is still
10 through Mount Vernon?
11 A Yes.
12 Q Okay. Did you put in a request for that
13 transfer to the real time crime unit?
14 A Yes.
15 Q Why?
16 A It's -- it was a unit that I wanted to be part
17 of.
18 Q Why?
19 A Because it involved not going out on the
20 streets anymore.
21 Q Why didn't you want to go out on the streets
22 anymore?
23 A You ever heard of this virus called
24 Coronavirus?
25 Q I have.

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1 A It's very contagious. No, listen, I -- I'm
2 coming up -- I -- you know, I think I reached a point in
3 my career where it's -- I want to try different stuff,
4 different things. And I, you know, believe that this is
5 one of those places, where it gives me that opportunity.
6 Q Is there an -- a promotion by being reassigned
7 to the real time crime unit?
8 A No, it's not a promotion. It's just a
9 reassignment from one unit to another.
10 Q Okay. And is there -- was there any increase
11 in pay?
12 A No increase in pay.
13 Q Was there an increase in pay when you got
14 moved to the narcotics unit from patrol? Did that
15 increase your pay at all?
16 A No. There's no increase in pay.
17 Q Okay. And it -- did it increase -- change
18 your rank at all? You weren't like a detective? You're
19 still patrol, just narcotics?
20 A You are assigned to the detective division as
21 a patrol officer, which you go through a probationary
22 period of, give or take, 18 months under -- you know,
23 attached to the detective division. Once you pass your
24 probationary period, you are -- you know, if you are --
25 you know, if you're good at your job, you get designated

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1 a detective.
2 Q Did you get designated a detective?
3 A Yes.
4 Q But what -- is that different than being given
5 the promotion of detective, being designated detective?
6 A Well, it's -- it is a promotion, but it's that
7 designation. It's not something you have to take a test
8 for.
9 Q I see. So you never took a test at Mount
10 Vernon to become a detective, correct?
11 A No.
12 Q Any reason why you never took that test?
13 A Because there's no test to become a detective.
14 Q In Mount Vernon, there's no test?
15 A No, there's no test to become a detective in a
16 lot of police departments. It's just a designation -- a
17 designation.
18 Q A designation. I see. Did you -- when you
19 get that designation, does your pay increase?
20 A Probably 25 cents a paycheck.
21 Q Okay. Not much. Okay. So -- okay. So let
22 me see. So it sounds like you worked as a -- with the
23 narcotic units of the Mount Vernon Police Department
24 from approximately January or February 2009 to January
25 or February of 2021. Does that sound about right to

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1 you? Twelve years?
2 A There's a break in between.
3 Q What's the break in between?
4 A January or February 2010.
5 Q What did you do? What was the break for?
6 A This was the -- this is at the time where I
7 was placed on modified duty.
8 Q I'm sorry, I didn't hear that last part. What
9 did you say, you're placed on what?
10 A Modified duty.
11 Q What's that?
12 A You are placed on modified duty, it -- it
13 depends on the situation.
14 Q Why were you placed on modified duty in
15 January 2010?
16 A Because I was under investigation for an
17 incident.
18 Q How long were you placed on modified duty?
19 A I was on modified duty for two years.
20 Q Were you taken off the street and put on a
21 desk job?
22 A Yes.
23 Q Okay. And so you had a desk job for two years
24 for -- from approximately January 2010 to January 2012?
25 A January or February time frame, give or take.

<p style="text-align: right;">Page 50</p> <p>1 Q What were you being investigated for?</p> <p>2 A I -- the -- it was an incident that took place</p> <p>3 that was being investigated.</p> <p>4 Q What was the incident that took place that was</p> <p>5 being investigated?</p> <p>6 A Off duty incident. Altercation.</p> <p>7 Q Was the off-duty altercation being</p> <p>8 investigated?</p> <p>9 A It was an altercation with a -- with an</p> <p>10 acquaintance of mine -- close friends of mine.</p> <p>11 Q Okay. Did -- was it a -- you said a close</p> <p>12 friend. Was it a romantic relationship?</p> <p>13 A No.</p> <p>14 Q Okay. No.</p> <p>15 A No.</p> <p>16 Q Okay. It wasn't -- it was an altercation. Was</p> <p>17 there a fight with a friend?</p> <p>18 A Fight. Yes.</p> <p>19 Q A fist fight?</p> <p>20 A Yes.</p> <p>21 Q Did anybody get injured?</p> <p>22 A Yes.</p> <p>23 Q Did you or the other person -- was it you and</p> <p>24 just one other person or multiple people?</p> <p>25 A No, just me and another person.</p>	<p style="text-align: right;">Page 52</p> <p>1 A I -- to my know -- I'm not clear about how</p> <p>2 they came about to know -- or how, you know, somehow</p> <p>3 police got involved. I can't remember how that</p> <p>4 happened.</p> <p>5 Q Okay. Was there an internal investigation?</p> <p>6 A I believe it was, yes.</p> <p>7 Q Did you -- do you know the outcome of the</p> <p>8 internal investigation?</p> <p>9 A I do not recall the outcome of the</p> <p>10 investigation.</p> <p>11 Q Were you interviewed in person during the</p> <p>12 course of the internal investigation by internal</p> <p>13 affairs?</p> <p>14 A I don't remember being interviewed about it. I</p> <p>15 do not.</p> <p>16 Q Do you know why you were on modified duty for</p> <p>17 two years? Why it took two years for the investigation?</p> <p>18 A I always wonder the same question. But no, I</p> <p>19 don't remember why.</p> <p>20 Q Do you remember the outcome of the</p> <p>21 investigation?</p> <p>22 A There was no outcome.</p> <p>23 Q Well, did they just take you off modified duty</p> <p>24 and did they tell you any, you know -- I'm sorry, let me</p> <p>25 strike that. You don't remember -- you don't remember</p>
<p style="text-align: right;">Page 51</p> <p>1 Q And did you get injured, or did the other</p> <p>2 person, or both of you?</p> <p>3 A The other person got injured.</p> <p>4 Q What injuries did the other person sustain?</p> <p>5 MR. BUSHNELL: Objection. Go ahead. You can</p> <p>6 answer.</p> <p>7 A Facial.</p> <p>8 Q Facial injuries?</p> <p>9 A Facial injuries.</p> <p>10 Q Any broken bones?</p> <p>11 MR. BUSHNELL: Objection. You can answer.</p> <p>12 A I can't recall whether it was broken bones.</p> <p>13 Q Did Mount Vernon Police respond to the scene</p> <p>14 or did this -- well, sorry. Did the incident occur in</p> <p>15 Mount Vernon?</p> <p>16 A No.</p> <p>17 Q Where did it occur?</p> <p>18 A Town of Greenburgh. Westchester County, New</p> <p>19 York.</p> <p>20 Q Did any law enforcement respond to the</p> <p>21 altercation?</p> <p>22 A No -- not to my knowledge, no.</p> <p>23 Q Did -- how did the -- how did it come to be</p> <p>24 known by Mount Vernon that you'd been involved in this</p> <p>25 altercation? Was there a complaint filed?</p>	<p style="text-align: right;">Page 53</p> <p>1 learning the outcome of the investigation?</p> <p>2 MR. BUSHNELL: Objection. Go ahead.</p> <p>3 A Correct.</p> <p>4 Q Were any criminal charges placed on you?</p> <p>5 A No.</p> <p>6 Q And you have no idea as you sit here today,</p> <p>7 how Mount Vernon came to know about the altercation with</p> <p>8 your acquaintance?</p> <p>9 A Correct.</p> <p>10 Q What was the individual's name who you had the</p> <p>11 altercation with?</p> <p>12 MR. BUSHNELL: Objection. Go ahead.</p> <p>13 A Miguel Sanchez.</p> <p>14 Q And do you remember what the subject -- or why</p> <p>15 you guys got into a fight?</p> <p>16 MR. BUSHNELL: Objection. You can answer.</p> <p>17 A I don't. Tell the truth, it was so long ago.</p> <p>18 Q Were there -- were -- had you or -- had you</p> <p>19 been drinking prior to the altercation?</p> <p>20 MR. BUSHNELL: Objection. You can answer.</p> <p>21 A I don't remember if we were drinking or not.</p> <p>22 Q Is Miguel Sanchez -- was he a friend of yours</p> <p>23 at that time?</p> <p>24 A Yes.</p> <p>25 Q Is he now?</p>

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1 A We haven't spoken since the incident.
 2 Q And do you have knowledge of whether Mr.
 3 Sanchez reported this off-duty incident to Mount Vernon?
 4 A No.
 5 Q Okay. So other than that break for modified
 6 duty for approximately two years in the winter months of
 7 2010 to the winter months of 2012, you were assigned to
 8 the narcotics unit at the Mount Vernon Police Department
 9 from January, February 2009 to your transfer -- or your
 10 secondment over to the real time crime unit in 2021,
 11 correct?
 12 A Can you repeat the whole question again?
 13 Q Yeah. Sorry. That was a long one. So other
 14 than the time where you were placed on modified duty --
 15 A Yes.
 16 Q -- is it accurate to say that you were
 17 assigned to the narcotics unit of the Mount Vernon
 18 Police Department from January or February 2009 all the
 19 way until when you've just recently been seconded to the
 20 real time crime unit of Westchester County?
 21 A Yes.
 22 Q And so other than the time of modified duty,
 23 you -- did you have any other assignments other than the
 24 narcotics unit?
 25 A Narcotics unit.

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1 Q Okay. Okay. When you first came to the
 2 narcotics unit in 2009, how many officers were assigned
 3 to the narcotics unit?
 4 A I can't give a specific number.
 5 Q How about approximately?
 6 A Between six, eight.
 7 Q Did the narcotics unit operate on more than
 8 one shift?
 9 A No. Just one shift.
 10 Q What shift?
 11 A It varied. It all depend. So we either came
 12 in -- we usually used to come in between 10:00 and 6:00
 13 or 1:00 to 9:00, depending on the needs of the --
 14 whatever investigation was, you know, being conducted at
 15 the time.
 16 Q Okay. So -- and is that true the entire time
 17 you were assigned to the narcotics unit, that it just
 18 operated one shift?
 19 A One shift.
 20 Q But I mean, I'm saying that's the entire
 21 duration of your assignment, it was always just one
 22 shift?
 23 A One shift.
 24 Q Okay. Okay. And there were, you think,
 25 somewhere between six to eight narcotics officers when

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1 you first were assigned in 2009, correct?
 2 A Correct.
 3 Q How about when you had your secondment to
 4 Westchester County in 2021, how many narcotics unit
 5 officers were assigned?
 6 A I -- about the same.
 7 Q And was there always a lieutenant on duty with
 8 the narcotics unit?
 9 A A what?
 10 Q A lieutenant or a sergeant. Did you have,
 11 like, a supervising officer with --
 12 A Yes.
 13 Q Okay. Who was the supervising officer when
 14 you got to the narcotics unit in 2009?
 15 A At the time, Sergeant Daniel Fischer.
 16 Q Can you repeat the name for me?
 17 A Daniel Fischer.
 18 Q Daniel Fischer. Okay. How long did you work
 19 with Daniel Fischer?
 20 A All the way up to 2009.
 21 Q Well, you started there -- oh, the whole year
 22 of 2009?
 23 A Correct.
 24 Q And then who became the next supervising
 25 officer of the narcotics unit?

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1 A No. When I was placed on modified duty, the
 2 next supervisor after that was Vinny -- Vincent Stufano.
 3 Q Okay. Did you ever work under Vincent
 4 Stufano?
 5 A No.
 6 Q Okay. That was during your modified duty?
 7 Okay.
 8 A Correct.
 9 Q How about -- who was the next supervising
 10 officer for the narcotics unit?
 11 A The second time that I came up?
 12 Q Yep.
 13 A Anthony Mitchell -- Sergeant Anthony Mitchell.
 14 Q Okay. And so you worked under Sergeant
 15 Anthony Mitchell in -- when you came back in 2012?
 16 A Yes.
 17 Q How long did you work under Sergeant Anthony
 18 Mitchell as a narcotics officer?
 19 A Briefly. Possibly, a couple of months.
 20 Q Okay. Who was next?
 21 A At the time, Sergeant Anthony McEachin.
 22 Q McKitchy?
 23 A McEachin.
 24 Q McEachin.
 25 A M-E-C-Q --

<p style="text-align: right;">Page 58</p> <p>1 MR. BUSHNELL: M-C-E-A-C-H-I-N, I believe. Or</p> <p>2 McEachin.</p> <p>3 A Give or take.</p> <p>4 Q All right. Who was the next supervising --</p> <p>5 how long did you work under Sergeant Anthony McEachin?</p> <p>6 A Maybe a year and a half -- a year, give or</p> <p>7 take.</p> <p>8 Q Who is next?</p> <p>9 A Sean Fegan. Sergeant Sean Fegan. Yeah.</p> <p>10 Q How long did -- was Sergeant Sea -- Sergeant</p> <p>11 Sean Fegan the supervising officer of the narcotics</p> <p>12 unit?</p> <p>13 A Until two years ago, 2019 -- December 2019.</p> <p>14 Q Well did Sergeant -- what happened to Sergeant</p> <p>15 Fegan then? Did he leave the narcotics unit?</p> <p>16 A Yes. He got a -- he's assigned to the general</p> <p>17 investigations unit.</p> <p>18 Q Do you know why he was reassigned from</p> <p>19 narcotics to general investigations?</p> <p>20 MR. BUSHNELL: Objection. You can answer.</p> <p>21 A Needs of the department</p> <p>22 Q And who replaced Sergeant Fegan?</p> <p>23 A Two sergeants came in right after Sergeant</p> <p>24 Fegan.</p> <p>25 Q Who were they?</p>	<p style="text-align: right;">Page 60</p> <p>1 Q Did you go with Shawn Fegan together?</p> <p>2 A No, he's still the supervisor in the general</p> <p>3 investigation too.</p> <p>4 Q I'm sorry. Did you and Sean Fegan move from</p> <p>5 narcotics over to general investigations together?</p> <p>6 A He was there first.</p> <p>7 Q And then you went and joined him?</p> <p>8 A Correct.</p> <p>9 Q And then you were in general investigations</p> <p>10 for about a year, before you went to Westchester?</p> <p>11 A Give or take, yes.</p> <p>12 Q Okay. So when did you leave narcotics for</p> <p>13 general investigations?</p> <p>14 A The beginning of 2020.</p> <p>15 Q Okay. Okay. Okay. How long do you plan to</p> <p>16 be with the real time crime unit?</p> <p>17 MR. BUSHNELL: Objection. You can answer.</p> <p>18 A How long do I plan to be there?</p> <p>19 Q Yeah. How long do you plan to stay -- do you</p> <p>20 have plans to stay there for a certain length of time?</p> <p>21 A It is on the needs of the department. So if</p> <p>22 they want to keep me there for the duration, I'll be</p> <p>23 there for the duration. If they need me back in their</p> <p>24 department, back at -- you know, working in Mount</p> <p>25 Vernon, they'll request me back in Mount Vernon.</p>
<p style="text-align: right;">Page 59</p> <p>1 A That's going -- there were -- they are</p> <p>2 currently Pedro Abreu and Wendell Griffith.</p> <p>3 Q Pedro Abrelo?</p> <p>4 A Pedro Abreu.</p> <p>5 Q Abreu. Okay. How do you spell Abreu; if you</p> <p>6 know?</p> <p>7 A A-B-R-E-U.</p> <p>8 Q Okay. Okay. And I'm sorry, the second one,</p> <p>9 Griffin?</p> <p>10 A Wendell Griffin.</p> <p>11 Q Wendell Griffin. Okay. And did you work</p> <p>12 under both Sergeant Pedro Abreu and Sergeant Wendell</p> <p>13 Griffin prior to your secondment to Westchester County?</p> <p>14 A No. We were -- they -- both, Pedro Abreu and</p> <p>15 Wendell Griffin were in the narcotics unit prior to them</p> <p>16 being promoted to sergeant. So we used to work</p> <p>17 together, too. So -- but by the time they took over the</p> <p>18 unit, I was reassigned to the general investigations</p> <p>19 unit. So this was --</p> <p>20 Q So I maybe missed this. Did you go to general</p> <p>21 investigations before you went to Westchester County?</p> <p>22 A Yes. I was -- I went to Westchester County</p> <p>23 from the general investigation unit.</p> <p>24 Q How long were you in general investigations?</p> <p>25 A Maybe a year.</p>	<p style="text-align: right;">Page 61</p> <p>1 Q When is your -- when is your -- how long do</p> <p>2 you plan to work as a police officer with Mount Vernon?</p> <p>3 MR. BUSHNELL: Objection. You can answer.</p> <p>4 A Until I'm ready to retire.</p> <p>5 Q Is there -- do they count -- does Mount Vernon</p> <p>6 count the years you served with NYPD towards your</p> <p>7 service with them for -- towards a pension?</p> <p>8 A I believe they do. That's not -- Mount Vernon</p> <p>9 doesn't count it, it's the state.</p> <p>10 Q Oh, the state. I'm sorry. Thank you for</p> <p>11 clarifying. Okay. So you -- officers in New York get</p> <p>12 their pensions through the state, not through the</p> <p>13 municipality?</p> <p>14 A Correct.</p> <p>15 Q I see. Okay. Little different here in</p> <p>16 Chicago. Okay. Okay. Let's talk about Sean Fegan. Did</p> <p>17 you know Sean Fegan before you got to the narcotics</p> <p>18 unit?</p> <p>19 A When?</p> <p>20 Q Like when you were working patrol, did you --</p> <p>21 was he on patrol with you?</p> <p>22 A No.</p> <p>23 Q Okay. Did you -- and so the first time you</p> <p>24 really worked with him was when you were assigned to</p> <p>25 narcotics?</p>

<p style="text-align: right;">Page 62</p> <p>1 A Yes.</p> <p>2 Q And was he already a narcotics officer before</p> <p>3 he became the sergeant of the unit?</p> <p>4 A Yes.</p> <p>5 Q Okay. So did you guys work together as</p> <p>6 narcotics officers before his promotion to sergeant?</p> <p>7 A Yes.</p> <p>8 Q So you were -- is it fair to say you worked</p> <p>9 with Sergeant Fegan for a good portion of your career?</p> <p>10 A When we first were in the same unit together,</p> <p>11 me as a police officer and him as a detective, maybe</p> <p>12 eight months before he was, you know, reassigned to the</p> <p>13 detective -- to the general investigations unit or the</p> <p>14 major case unit, which -- one of those two at the time.</p> <p>15 So we probably worked together for maybe six to eight</p> <p>16 months. And then the next time we worked together was</p> <p>17 when he be -- he was assigned the narcotics unit</p> <p>18 supervisor sometime in 2013.</p> <p>19 Q Okay. Do you consider -- you know, apart from</p> <p>20 being a work colleague, are you social friends with Sean</p> <p>21 Fegan?</p> <p>22 A No. We'll socially say, hi, how you doing?.</p> <p>23 Stuff like -- hanging out after work?</p> <p>24 Q Yes.</p> <p>25 A Outside of work? No.</p>	<p style="text-align: right;">Page 64</p> <p>1 VIDEOGRAPHER: Okay. We -- oh, pardon. Go</p> <p>2 right ahead.</p> <p>3 MR. BUSHNELL: Heather, when do you want to</p> <p>4 come back? Do you want to give a specific time?</p> <p>5 MS. DONNELL: I just need five minutes. So I</p> <p>6 just need a quick bathroom break. So let's go off</p> <p>7 the record, though.</p> <p>8 VIDEOGRAPHER: Okay. Off record at 11:12.</p> <p>9 (OFF THE RECORD)</p> <p>10 VIDEOGRAPHER: All right, we are now back on</p> <p>11 the record at 11:21 a.m.</p> <p>12 BY MS. DONNELL:</p> <p>13 Q Okay. Okay. Detective Antonini, can you</p> <p>14 define for me a pat-down search.</p> <p>15 A A pat down?</p> <p>16 Q Yes, please.</p> <p>17 A That is a pat down of the outer most garment,</p> <p>18 where you pat down the outer most garment of pockets --</p> <p>19 everywhere that -- you know, with your hands.</p> <p>20 Q And what's the -- your understanding of the</p> <p>21 purpose of a pat-down search?</p> <p>22 A In order to feel what -- any -- you know,</p> <p>23 whoever it is you're patting down, may or may not have</p> <p>24 in his pockets or outer most garment.</p> <p>25 Q When do you conduct pat-down searches?</p>
<p style="text-align: right;">Page 63</p> <p>1 Q Yes.</p> <p>2 A We don't do that.</p> <p>3 Q How about the other defendants, like Robert</p> <p>4 Puff, are you social friends with Officer Puff?</p> <p>5 A No. We don't -- we don't associate outside of</p> <p>6 work.</p> <p>7 Q How about Patrick King?</p> <p>8 A No.</p> <p>9 Q Sergeant Jose Quinoy?</p> <p>10 A No.</p> <p>11 Q Sebastian Salazar?</p> <p>12 A Who?</p> <p>13 Q Is it Sebastian Salazar?</p> <p>14 A I don't even know who that is, but no.</p> <p>15 Q Okay. Are you -- how about Jose Valente?</p> <p>16 A Who?</p> <p>17 Q Jose Valente?</p> <p>18 A Joseph Valente?</p> <p>19 Q Joseph Valente, sorry.</p> <p>20 A No.</p> <p>21 MS. DONNELL: Okay. I'm going to switch gears,</p> <p>22 but I want to just take a short, five minute break.</p> <p>23 So let's go off the record.</p> <p>24 THE WITNESS: Okay.</p> <p>25 MR. BUSHNELL: So --</p>	<p style="text-align: right;">Page 65</p> <p>1 A I'm sorry, can you repeat that question?</p> <p>2 Q Yeah. When do you use pat-down searches?</p> <p>3 A When necessary.</p> <p>4 Q And when do you consider it necessary?</p> <p>5 A It just -- I mean, the situation -- it depends</p> <p>6 on the situation you're in. It could be somebody on the</p> <p>7 street that you detain for whatever reason, questioning</p> <p>8 -- you know. You explain to him, listen, I'm going to</p> <p>9 pat you down for your safety and mine, and just go</p> <p>10 through the pat-down routine and go from there.</p> <p>11 Q Do -- what sort of justification do you need</p> <p>12 to have for -- in order to conduct a pat-down search --</p> <p>13 your understanding?</p> <p>14 A The safety of the individual that you are</p> <p>15 detaining and your safety.</p> <p>16 Q Okay. What's your definition of a strip</p> <p>17 search?</p> <p>18 MR. BUSHNELL: Objection. You can answer.</p> <p>19 A The definition of a strip search?</p> <p>20 Q Yes, please.</p> <p>21 A An individual stripped of his clothes.</p> <p>22 Q So an individual has to remove their clothes?</p> <p>23 A Correct.</p> <p>24 COURT REPORTER: I'm sorry, sir. I didn't</p> <p>25 catch that answer.</p>

<p style="text-align: right;">Page 66</p> <p>1 A The definition of a strip search. I mean, a</p> <p>2 strip -- stripping down the individual's clothing.</p> <p>3 Q Okay. Anything else, in terms of your</p> <p>4 understanding of a strip search?</p> <p>5 A Stripping down the individual's clothing.</p> <p>6 Q Is that it?</p> <p>7 A Yes.</p> <p>8 Q And what is your understanding of when -- of</p> <p>9 what is necessary, in order to conduct a strip search?</p> <p>10 MR. BUSHNELL: Objection. You can answer.</p> <p>11 A There might be a -- circumstances where it</p> <p>12 might be known that the individual in question may or</p> <p>13 may not have any weapons or contraband. That might, you</p> <p>14 know, request a more thorough strip search. So in other</p> <p>15 words, rather than just going through the pat-down</p> <p>16 routine, you want to go more in-depth into the seams of</p> <p>17 the -- let's say -- give an example, seams of the</p> <p>18 clothing, you know, hidden pockets, or stuff like that.</p> <p>19 Q And is there any approval necessary to conduct</p> <p>20 a strip search prior to doing it?</p> <p>21 A A supervisor is always present during any</p> <p>22 search.</p> <p>23 Q During any strip search?</p> <p>24 A Correct.</p> <p>25 Q So you have to have a supervisor physically</p>	<p style="text-align: right;">Page 68</p> <p>1 justify a strip search? Does there have to be something</p> <p>2 more? Or is probable cause that a crime was committed -</p> <p>3 - any crime committed, sufficient to justify a strip</p> <p>4 search?</p> <p>5 MR. BUSHNELL: Objection. You can answer.</p> <p>6 A Do you mind repeating that again?</p> <p>7 Q Oh yeah, no problem. I - sometimes I speak a</p> <p>8 little quickly too. So you said that you have to have</p> <p>9 probable cause before you can conduct a strip search.</p> <p>10 And you also said that there needs to be a supervisor</p> <p>11 physically present, in order to conduct a strip search.</p> <p>12 My question to you was, is probable cause that an</p> <p>13 individual committed a criminal offense sufficient to</p> <p>14 justify a strip search? Or do you need something more?</p> <p>15 A Prior knowledge that the individual may be --</p> <p>16 may have a history of concealing either weapons or</p> <p>17 contraband. You know, for the safety of the officers</p> <p>18 involved in the strip search or the - or the safety of</p> <p>19 the individual being strip-searched, as it is.</p> <p>20 Q Anything else that you can think of other than</p> <p>21 what you've testified to?</p> <p>22 A No.</p> <p>23 Q What is your - so just to repeat, your</p> <p>24 understanding of a strip search is that it can only be</p> <p>25 conducted of somebody's been arrested or there's</p>
<p style="text-align: right;">Page 67</p> <p>1 present?</p> <p>2 A Correct.</p> <p>3 Q Any other requirements?</p> <p>4 A As far as?</p> <p>5 Q Do you have to have any -- what justification</p> <p>6 do you have to have to seek -- conduct a strip search of</p> <p>7 an individual?</p> <p>8 MR. BUSHNELL: Objection. Asked and answered.</p> <p>9 You can answer it.</p> <p>10 A Probable cause.</p> <p>11 Q Probable cause for what?</p> <p>12 A To conduct a strip search.</p> <p>13 Q Well, what does that mean? Explain.</p> <p>14 A You know, you cannot just detain an individual</p> <p>15 and search him for the sake of searching. You need to</p> <p>16 have probable cause in order to conduct -- you could</p> <p>17 conduct a pat down of the outer most -- outer most</p> <p>18 garment. But in order to conduct a strip search, the</p> <p>19 individual either, A, might be in custody -- police</p> <p>20 custody for whatever reason.</p> <p>21 Q So it has to be pursuant to already having a -</p> <p>22 - had probable cause to arrest an individual?</p> <p>23 A Correct.</p> <p>24 Q Do you have to have something more than just</p> <p>25 probable cause to arrest someone for a crime, in order</p>	<p style="text-align: right;">Page 69</p> <p>1 probable cause for an arrest; is that correct?</p> <p>2 MR. BUSHNELL: Objection. You can answer.</p> <p>3 A Under police custody, yes.</p> <p>4 Q So the individual has to be in police custody.</p> <p>5 And then the second thing you said is the supervisor has</p> <p>6 to be physically present for the strip search; is that</p> <p>7 right?</p> <p>8 A Correct.</p> <p>9 Q And when I asked - inquired about the</p> <p>10 justification, you said it had to do with individual</p> <p>11 safety or office safety, for concealing a weapon or</p> <p>12 contraband, correct?</p> <p>13 A Correct.</p> <p>14 Q Okay. Is there any other - what - is there</p> <p>15 anything else - other than what you've testified,</p> <p>16 anything else in order to conduct a strip search?</p> <p>17 A No.</p> <p>18 Q Okay. What is your understanding of a body</p> <p>19 cavity search?</p> <p>20 A We don't do body cavity searches.</p> <p>21 Q That's fine. But what is your understanding</p> <p>22 of what constitutes a body cavity search?</p> <p>23 A What is my understanding of a body cavity</p> <p>24 search?</p> <p>25 Q Yes.</p>

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1 A We don't conduct them.

2 MR. BUSHNELL: Objection. You can -

3 Q I understand you don't conduct it, but what's

4 your understanding of what constitutes - what is the

5 definition of a body cavity search in your

6 understanding?

7 MR. BUSHNELL: Objection. You can answer, if

8 you can.

9 A The searching of a body cavity. You - would

10 you like me to describe what a body cavity is?

11 Q Yeah. What is your understanding of what

12 constitutes a body cavity search?

13 A All right. It could be your mouth. It could

14 be, you know, your ears, your nostrils. It could be

15 your anus. You know, it can also be - we're speaking on

16 gender-wise, female-wise, obviously there's two sides to

17 that. But same thing, facial, anywhere there's, you

18 know, a cavity.

19 Q So your understanding of a body cavity search

20 is any sort of body cavity, be it mouth, ear, nostrils,

21 anus, vagina. That's a body cavity search?

22 A Correct.

23 Q Okay. And you earlier testified that we don't

24 conduct those, meaning you as a police officer are not

25 authorized to conduct a body cavity search, is that your

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1 understanding?

2 MR. BUSHNELL: Objection. You can answer.

3 A Correct.

4 Q Okay. So if you thought an individual was

5 secreting some drugs in their mouth cavity, you wouldn't

6 search an individual's mouth?

7 MR. BUSHNELL: Objection. You can answer.

8 A Mouth?

9 Q Yes.

10 A We could ask the individual to open his mouth.

11 Q Okay. So you - that is something you're

12 permitted to do, correct?

13 A Obviously, yes. You know, I could ask you,

14 can you open your mouth for me? If you choose to, yes,

15 of course.

16 Q Okay. How about -- so when I'm -- I'm going

17 to ask you some scenarios and I want you to tell me what

18 -- whether -- what is -- if it's a strip search or not.

19 If you ask an individual -- or, if an individual is --

20 clothing is removed, their pants and underwear, and

21 they're asked to bend over and spread their buttocks

22 cheeks for a visual inspection of their anus. Is that a

23 strip search or not?

24 A A strip search?

25 Q Is that a strip search?

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1 A Strip search would be, we'd remove the

2 clothing so we could search all their cavities in --

3 within the clothing.

4 Q Okay. How about asking individual to spread

5 their buttocks for a visual inspection of their anus, to

6 see if there's any contraband or weapon secreted in

7 their buttocks? Is that a strip search?

8 A No.

9 Q Is that - why not?

10 A A strip - like I said, a strip search would

11 constitute of the removing of the clothing.

12 Q And not searching anybody's body?

13 A No.

14 Q Have you - and what about asking someone to

15 bend down and cough?

16 A No, we'll -

17 Q While their - while their clothing's removed?

18 A Correct.

19 Q What is that?

20 A We'll ask an individual to, you know, bend

21 down on your knees, cough. Other than that, we don't

22 physically search any cavities in -

23 Q But do you ask individuals when - when you're

24 - when somebody's being strip-searched, do you ask

25 individuals to kneel, or squat, or cough while their

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1 clothing is removed -

2 A Correct.

3 Q -- during a strip search?

4 A Correct.

5 Q You're saying, correct?

6 A Correct, yeah.

7 Q Yes, that is something you do?

8 A Yes. Yes.

9 Q Okay. Do you ever ask individuals in the

10 course of a strip search, to themselves spread their

11 buttock cheeks?

12 A No.

13 MR. BUSHNELL: Objection. Just for

14 clarification, you're talking about every time

15 there's a strip search?

16 MS. DONNELL: No. I'm just saying in general.

17 If it's a - if that conduct constitutes a strip

18 search or it can be done as part of a strip search.

19 I can make my question clearer.

20 BY MS. DONNELL:

21 Q Okay. Detective Antonini, is it in your view,

22 permissible as part of a strip search to ask the

23 individual who's been unclothed - their clothing taken

24 off, to bend down, or squat, or kneel?

25 A While still secure in handcuffs. Yes.

<p style="text-align: right;">Page 74</p> <p>1 Q Okay. And is that something you have asked</p> <p>2 individuals to do when you've conducted strip search as</p> <p>3 a Mount Vernon police officer?</p> <p>4 MR. BUSHNELL: Objection. You can answer.</p> <p>5 A Yes.</p> <p>6 Q Okay. How about asking an individual to bend</p> <p>7 over from the waist, so that their buttocks is more</p> <p>8 exposed for a visual inspection? Have you ever asked an</p> <p>9 individual to do that during the course of a strip</p> <p>10 search?</p> <p>11 A It - depending on a circumstances, but yes.</p> <p>12 Q Okay. So the answer is yes, you have done</p> <p>13 that before, depending on the circumstances, correct?</p> <p>14 A Depending on - it - what I mean by that is,</p> <p>15 some individuals may have leg injuries where they cannot</p> <p>16 bend down. They cannot squat down due to some - you</p> <p>17 know, some physical - you know.</p> <p>18 Q So you're saying if somebody was not</p> <p>19 physically able to kneel or squat -</p> <p>20 A Correct.</p> <p>21 Q -- you may request for them to bend over --</p> <p>22 A That's a yes.</p> <p>23 Q -- at the waist? Okay. So - so far during</p> <p>24 the course of a strip search, when somebody's unclothed</p> <p>25 in your view, it's permissible to ask them to kneel</p>	<p style="text-align: right;">Page 76</p> <p>1 permissible actions that you as an officer are permitted</p> <p>2 to do in the course of a strip search, to inspect for</p> <p>3 contraband or weapons that might be secreted on the</p> <p>4 person?</p> <p>5 A Prior knowledge, criminal history, severity of</p> <p>6 the crime committed.</p> <p>7 Q I apologize. I think you might not have</p> <p>8 understood my question. It sounds like you're providing</p> <p>9 to me the factors that go into determining whether to</p> <p>10 conduct a strip search, right?</p> <p>11 A Correct.</p> <p>12 Q Okay. I appreciate that. I do want to know</p> <p>13 that. But what I asked was, can you describe for me the</p> <p>14 actions that you, the police officer, are permitted to</p> <p>15 request the individual being strip-searched to do, in</p> <p>16 the course of your strip search?</p> <p>17 A The actions -</p> <p>18 Q Assume for me that you've already requested a</p> <p>19 strip search, and you're in the process of conducting a</p> <p>20 strip search. Describe for me how you can conduct a</p> <p>21 strip search?</p> <p>22 A How I can conduct it?</p> <p>23 Q Yes.</p> <p>24 A Meaning how I go about conducting it?</p> <p>25 Q Yes, please.</p>
<p style="text-align: right;">Page 75</p> <p>1 down, squat, or bend over at the waist to expose their</p> <p>2 buttocks for visual inspection, correct?</p> <p>3 A Well -</p> <p>4 MR. BUSHNELL: Well, objection - objection. In</p> <p>5 what circumstance? I mean, we're talking about --</p> <p>6 MS. DONNELL: Well no, what I'm saying is --</p> <p>7 I'm sorry, go ahead, Steven. I didn't mean to</p> <p>8 interrupt you.</p> <p>9 MR. BUSHNELL: Yeah. I mean, we're talking</p> <p>10 about the scenario devoid of any, you know, prior</p> <p>11 knowledge of the officer, et cetera, important</p> <p>12 circumstances of an arrest. This is very general</p> <p>13 and I don't think that it's specific enough.</p> <p>14 MS. DONNELL: Okay, I hear your objection. I</p> <p>15 am asking - I am asking these questions, I think</p> <p>16 they're general questions, but I want to know what</p> <p>17 constitutes, in the witness' mind, conduct that is</p> <p>18 part of a strip search. So I'm going to keep</p> <p>19 asking.</p> <p>20 BY MS. DONNELL:</p> <p>21 Q But I'll try and make my questions more clear,</p> <p>22 Detective Antonini. And if you don't understand them,</p> <p>23 or if they not clear, let me know. Okay. So in the</p> <p>24 course of a strip search - well, why don't we do it this</p> <p>25 way. Why don't you describe for me what is the</p>	<p style="text-align: right;">Page 77</p> <p>1 A Well, first you start with the pat down of the</p> <p>2 outer most garment, the individual still being secure in</p> <p>3 handcuffs, obviously. If the individual is already in</p> <p>4 police custody, he's going to be placed - he's already</p> <p>5 under arrest with charges pending, then the search is</p> <p>6 more of a - you know, goes into more depth in other</p> <p>7 words. So you conduct a more thorough search of the</p> <p>8 outer garment, top of the body, mouth, ears, what -</p> <p>9 wherever you can think that the individual may or may</p> <p>10 not be hiding something. And again, this is all based</p> <p>11 on prior knowledge and experience, where an individual</p> <p>12 might be able to hide either contraband or weapons.</p> <p>13 Okay? So once you start with the top, then you begin to</p> <p>14 the bottom, you remove all belts, jewelry, any metal</p> <p>15 objects from all pockets, and whatnot. And you become -</p> <p>16 - you conduct a strip search, you remove all the</p> <p>17 clothing items from the individual, socks, shoes,</p> <p>18 shoelaces. They're permitted to keep one item of</p> <p>19 clothing, which obviously in this case will be a pair of</p> <p>20 socks, pair of underwears, one top, i.e., either a</p> <p>21 sweater or T-shirt. No belts. That's one of the other</p> <p>22 reasons why we have to remove all the clothing items.</p> <p>23 Once that's done, we have removed everything, we ask the</p> <p>24 individual, do me a favor, can you squat down, cough?</p> <p>25 Once they squat and cough, they come back up and we</p>

<p style="text-align: right;">Page 78</p> <p>1 begin the process of just getting them -- getting the</p> <p>2 individual, you know, redressed, or put the clothes back</p> <p>3 on, whatever clothes are permitted to be kept at the</p> <p>4 time. So shoes without shoelaces or sneakers without</p> <p>5 shoe laces, pair of socks, underwear, pants, shirt, or</p> <p>6 whatever they wearing on top, and -- pretty much</p> <p>7 constitute a strip search.</p> <p>8 Q Okay. Are you as an officer permitted to</p> <p>9 physically touch the individual, in the course of the</p> <p>10 strip search?</p> <p>11 A Yes. I have to hold onto his arm. Make sure</p> <p>12 he doesn't fall down.</p> <p>13 Q So you're holding onto the arm, while the</p> <p>14 person is either squatting and coughing?</p> <p>15 A Yes. We wouldn't want the individual to fall</p> <p>16 down, get injured, or anything like that.</p> <p>17 Q Are you -- and I think I asked this, but I'm</p> <p>18 just going to be clear. Are you permitted to ask an</p> <p>19 individual to spread their buttock cheeks and to</p> <p>20 visually inspect the individual anus, or in between</p> <p>21 their --</p> <p>22 A No. We don't allow -- no. We hold on to</p> <p>23 their arms as they're squatting down -- squat down.</p> <p>24 Q Have you ever asked anybody to bend over to</p> <p>25 expose their buttock cheeks to you, and to spread their</p>	<p style="text-align: right;">Page 80</p> <p>1 said sometimes, if someone's not able for medical</p> <p>2 reasons or physical reasons to squat and cough, you've</p> <p>3 asked them to bend over from the waist, correct?</p> <p>4 A Correct.</p> <p>5 Q Okay. So you have done it. And then during</p> <p>6 it, you just asked them to bend over from the waist and</p> <p>7 then you just visually inspect?</p> <p>8 A Bend over from the waist, cough, visually</p> <p>9 inspect.</p> <p>10 Q And you -- okay. Have you conducted strip</p> <p>11 searches like you've described -- or the way in which</p> <p>12 you described, out in the field?</p> <p>13 MR. BUSHNELL: Objection. You can answer.</p> <p>14 A Depending on the circumstance, search</p> <p>15 warrants.</p> <p>16 Q So is the answer, yes, you have conducted</p> <p>17 strip searches out in the field?</p> <p>18 A Yes.</p> <p>19 Q Okay. Have you conducted strip searches at</p> <p>20 the Mount Vernon Police Department?</p> <p>21 A Yes.</p> <p>22 Q Okay. Let's talk about strip search in the</p> <p>23 field. How many strip searches have you conducted --</p> <p>24 been part of conducting in the field?</p> <p>25 MR. BUSHNELL: Objection. You can answer.</p>
<p style="text-align: right;">Page 79</p> <p>1 buttock cheeks and expose their anus? Have you ever</p> <p>2 done that?</p> <p>3 A Squat and cough.</p> <p>4 Q I know. Have you ever asked anyone to bend</p> <p>5 over to ex -- to spread their butt cheeks, so you could</p> <p>6 visually inspect their anus? Have you ever done that?</p> <p>7 A No.</p> <p>8 Q Okay. Have you ever touched an individual who</p> <p>9 you're conducting a strip search and spread their</p> <p>10 buttocks to inspect their anus? Have you ever done</p> <p>11 that?</p> <p>12 A Have I ever spread their cheeks?</p> <p>13 Q Yes.</p> <p>14 A No. No.</p> <p>15 Q Have you ever run your hand, whether gloved or</p> <p>16 not, between an individual's buttocks cheeks to inspect</p> <p>17 for weapons or contraband?</p> <p>18 A No.</p> <p>19 Q Okay. So the only way that you have ever</p> <p>20 conducted a strip search, it's your testimony today, is</p> <p>21 by asking the individual, after they're undressed to</p> <p>22 squat and cough? That's the only way you have ever done</p> <p>23 a strip search?</p> <p>24 A Correct.</p> <p>25 Q But then you said sometimes -- earlier, you</p>	<p style="text-align: right;">Page 81</p> <p>1 A That would be like asking me how many arrests</p> <p>2 have I had.</p> <p>3 Q Is it --</p> <p>4 A So you can't put a number to that, obviously.</p> <p>5 This -- in the field?</p> <p>6 Q Yes.</p> <p>7 A I mean -- I mean, there's been a few,</p> <p>8 obviously. Think about it, the number of search</p> <p>9 warrants that I've been involved in throughout my career</p> <p>10 has been a lot, so...</p> <p>11 Q Do you conduct a strip search every time you</p> <p>12 have a search warrant?</p> <p>13 A Not every time, no.</p> <p>14 Q Okay. So are you able, as you sit here today,</p> <p>15 to estimate the number of strip searches you've</p> <p>16 conducted in the field as a Mount Vernon police officer?</p> <p>17 A No.</p> <p>18 MR. BUSHNELL: Objection. You can answer.</p> <p>19 Q Okay.</p> <p>20 MR. BUSHNELL: Sorry. Just noting my</p> <p>21 objection.</p> <p>22 Q Are you able to put a -- are you able to say</p> <p>23 if it's more or less than a hundred?</p> <p>24 MR. BUSHNELL: Objection. You can answer.</p> <p>25 A No.</p>

<p style="text-align: right;">Page 82</p> <p>1 Q You're not able to -- one way or the other,</p> <p>2 you can't say?</p> <p>3 A No.</p> <p>4 Q Is that true, you can't say one way or the</p> <p>5 other?</p> <p>6 A Yes.</p> <p>7 Q Okay. So it could be more than a hundred out</p> <p>8 in the field?</p> <p>9 MR. BUSHNELL: Objection. You can answer.</p> <p>10 A No.</p> <p>11 Q It's less than a hundred?</p> <p>12 A Possibly, less than a hundred. Yes.</p> <p>13 Q But you don't know one way or the other?</p> <p>14 A One way or the other? No.</p> <p>15 Q How about -- how about strip searches you've</p> <p>16 been present for, but not yourself conducted out in the</p> <p>17 field, like one of your other fellow narcotics officers</p> <p>18 did. Do -- can you say how many you've been present</p> <p>19 for, for those?</p> <p>20 MR. BUSHNELL: Objection. You can answer.</p> <p>21 A No.</p> <p>22 Q Right. Is it too many to count?</p> <p>23 MR. BUSHNELL: Objection. You can answer.</p> <p>24 A What I'd say -- can't say.</p> <p>25 Q You can't say. How about -- you said you'd</p>	<p style="text-align: right;">Page 84</p> <p>1 right now?</p> <p>2 MR. BUSHNELL: I mean, how long do you</p> <p>3 anticipate the line of questioning going?</p> <p>4 MS. DONNELL: Well, I mean, for a while. But I</p> <p>5 would like to follow up on this, at least this one</p> <p>6 aspect about reporting or documenting strip</p> <p>7 searches. Could I ask a few more questions on that</p> <p>8 subject?</p> <p>9 MR. BUSHNELL: Yeah, that's fine. Yeah, of</p> <p>10 course.</p> <p>11 BY MS. DONNELL:</p> <p>12 Q Okay. So Detective Antonini, tell me how you</p> <p>13 were trained with the Mount Vernon Police Department to</p> <p>14 document when you conduct a strip search.</p> <p>15 A How we were trained to document?</p> <p>16 Q Yes.</p> <p>17 A The report will usually state something in</p> <p>18 regards to, the strips search was conducted in the</p> <p>19 presence of Sergeant Sean Fegan. The search was either</p> <p>20 recorded, the individual was found to be, or not found</p> <p>21 to be, in possession of any contraband or weapons.</p> <p>22 Something to that -- to those lines.</p> <p>23 Q Okay. And you were trained to put that in a</p> <p>24 incident report or a special report for the search? Or</p> <p>25 just the incident report?</p>
<p style="text-align: right;">Page 83</p> <p>1 been part of conducting strip searches. You yourself</p> <p>2 have conducted strip searches at the Mount Vernon Police</p> <p>3 Department, right?</p> <p>4 A Yes.</p> <p>5 Q And are you -- can you estimate how many strip</p> <p>6 searches you've conducted at the Mount Vernon Police</p> <p>7 Department?</p> <p>8 A No. I can't estimate that.</p> <p>9 Q Why not?</p> <p>10 MR. BUSHNELL: Objection. You can answer.</p> <p>11 A It's not something that we keep count on.</p> <p>12 Q Okay. When you conduct a strip search,</p> <p>13 whether in the field or in the Mount Vernon Police</p> <p>14 Department, do you document it in any kind of official</p> <p>15 police report?</p> <p>16 A Yes.</p> <p>17 Q Where do you document it?</p> <p>18 A Police report.</p> <p>19 MR. BUSHNELL: Can we -- can we take a quick</p> <p>20 two-minute break please?</p> <p>21 VIDEOGRAPHER: We --</p> <p>22 MS. DONNELL: Um --</p> <p>23 COURT REPORTER: Oh?</p> <p>24 MS. DONNELL: Well, can I finish this line of</p> <p>25 questioning, or do you need to talk to the witness</p>	<p style="text-align: right;">Page 85</p> <p>1 A Into the case report.</p> <p>2 Q Case report. Okay. You mentioned that you</p> <p>3 would document whether the search was recorded or not,</p> <p>4 right?</p> <p>5 A That is correct.</p> <p>6 Q And did you -- were strip searches required to</p> <p>7 be recorded?</p> <p>8 A Part of the search is recorded.</p> <p>9 Q What part is recorded?</p> <p>10 A Well, we don't record the individual being</p> <p>11 strip-searched. We record the audio of the individual</p> <p>12 being strip-searched. Or prior to, we'll record the</p> <p>13 individuals, and so then they say, we're going to do a</p> <p>14 strip search. Is there anything you have on your</p> <p>15 possession that you want to tell us now? And if the</p> <p>16 individual says, no, I have something. Or, yes, I have</p> <p>17 something. We'll turn the camera away. The camera's</p> <p>18 still rolling. We going to have it just for the audio</p> <p>19 part of it, so that way you know there's nothing crazy</p> <p>20 here going on, other than the strip search itself. The</p> <p>21 search continues after that and after the search is</p> <p>22 concluded, the camera turns over back to the individual.</p> <p>23 Then says, all right, we found X, Y, and Z. Or, we did</p> <p>24 not find anything. Do you have any complaints? No.</p> <p>25 Okay. The search is concluded. And then that video</p>

<p style="text-align: right;">Page 86</p> <p>1 gets put into evidence.</p> <p>2 Q Is it a requirement that any time a strip</p> <p>3 search is going to be conducted, whether in the field or</p> <p>4 at the station, that there -- be recorded in the way</p> <p>5 you've just described?</p> <p>6 A If there is a search that is conducted, then</p> <p>7 it is recorded. But if there is not, there is no</p> <p>8 search, there is no video, no search was conducted.</p> <p>9 Q So I take your testimony to be, anytime</p> <p>10 there's a search conducted, it is mandatory to video</p> <p>11 record the search in the way you've described; is that</p> <p>12 true?</p> <p>13 A We do our -- we do our best to have visual --</p> <p>14 a video evidence of that search.</p> <p>15 Q Okay. And if there is video evidence of the</p> <p>16 search, it is put into evidence with the case?</p> <p>17 A That is correct.</p> <p>18 Q Okay. And then it sounds like you're saying,</p> <p>19 sometimes you've conducted strip search where it hasn't</p> <p>20 been possible to video record for some reason or the</p> <p>21 other, right?</p> <p>22 A No. I'm -- bearing some, you know, video</p> <p>23 malfunction, but no, there's always been a recording of</p> <p>24 the strip search.</p> <p>25 Q Does the narcotics unit -- when you were</p>	<p style="text-align: right;">Page 88</p> <p>1 evidence?</p> <p>2 A Either a disk drive or thumb drive.</p> <p>3 MS. DONNELL: Okay. Thanks. Steve, I can give</p> <p>4 you a break now, if you want to go off the record.</p> <p>5 MR. BUSHNELL: Yeah, just a couple minutes.</p> <p>6 Thanks.</p> <p>7 MS. DONNELL: Sure. Let's go off the record.</p> <p>8 VIDEOGRAPHER: Okay. We are now off the record</p> <p>9 at 11:49.</p> <p>10 (OFF THE RECORD)</p> <p>11 VIDEOGRAPHER: We are back on the record at</p> <p>12 11:56 a.m.</p> <p>13 BY MS. DONNELL:</p> <p>14 Q Okay. Now, Detective Antonini, did you just</p> <p>15 consult with your attorney regarding your testimony?</p> <p>16 A Yes.</p> <p>17 Q Okay. What did you discuss with him regarding</p> <p>18 your testimony?</p> <p>19 MR. BUSHNELL: No. Objection. He can't -- I</p> <p>20 mean, I asked if you wanted him to clarify -- you</p> <p>21 can't talk about his communications with his</p> <p>22 attorney. There was no question pending.</p> <p>23 MS. DONNELL: Well, and, you know, this might</p> <p>24 be unique to your juris -- and maybe you can help</p> <p>25 me, but in our jurisdiction, usually we conduct</p>
<p style="text-align: right;">Page 87</p> <p>1 assigned the narcotics unit, always carry with it a</p> <p>2 portable video recorder?</p> <p>3 A Yes.</p> <p>4 Q How about if you're at the station, is there a</p> <p>5 recording device at the station?</p> <p>6 A Yes.</p> <p>7 Q The same one or a different one? The same</p> <p>8 video recorder that the narcotics unit has or a</p> <p>9 different type of video recording?</p> <p>10 A I believe it's a different one. They have</p> <p>11 their own different -- patrol -- patrol -- the cell</p> <p>12 block and the patrol unit -- the patrol division has its</p> <p>13 own recording mechanism.</p> <p>14 Q When you have conducted strip searches at the</p> <p>15 department, where have you conducted them physically</p> <p>16 within the department? In the narcotics unit office or</p> <p>17 some other --</p> <p>18 A Usually in our narcotics room, yes. We have</p> <p>19 our own holding cell.</p> <p>20 Q Is there a recording device in the holding</p> <p>21 cell within the narcotics unit?</p> <p>22 A No. Just the recording device that we have.</p> <p>23 Q And the recording device the narcotics unit</p> <p>24 has, what does it -- how do you transfer the data? Does</p> <p>25 it -- on a jump drive or how do you get it into</p>	<p style="text-align: right;">Page 89</p> <p>1 depositions as if they're trial testimony. So once</p> <p>2 the witness is under oath, the testimony or the</p> <p>3 substance of the testimony isn't really discussed.</p> <p>4 Perhaps it's different in the southern district, but</p> <p>5 here in the Seventh Circuit, we usually conduct</p> <p>6 depositions in that manner. So once the witness is</p> <p>7 under oath, then it's as if it's a -- you know,</p> <p>8 testimony.</p> <p>9 MR. BUSHNELL: That's not what my understanding</p> <p>10 --</p> <p>11 MS. DONNELL: At trial. Okay.</p> <p>12 MR. BUSHNELL: That's not my understanding. We</p> <p>13 were off the record. He was having a conversation</p> <p>14 with his attorney. It's privileged.</p> <p>15 MS. DONNELL: Okay. So just for purposes here,</p> <p>16 you're going to assert a privilege over any of your</p> <p>17 communications you just had in this break at the</p> <p>18 deposition with your -- with Mr. -- Detective</p> <p>19 Antonini; is that correct?</p> <p>20 MR. BUSHNELL: That's correct.</p> <p>21 MS. DONNELL: Okay. All right. Well, I will --</p> <p>22 - we'll proceed with the deposition, understanding</p> <p>23 that you've asserted that privilege, but for</p> <p>24 purposes of my -- I'd like to make a record, then.</p> <p>25 Ask just a few questions.</p>

<p style="text-align: right;">Page 90</p> <p>1 BY MS. DONNELL:</p> <p>2 Q So Detective Antonini, are you -- on the</p> <p>3 break, did you discuss with your attorney your testimony</p> <p>4 pertaining to how you conduct strip searches for the</p> <p>5 Mount Vernon Police Department?</p> <p>6 MR. BUSHNELL: Objection. That's --</p> <p>7 MS. DONNELL: And that -- and you're asserting</p> <p>8 an attorney-client privilege communication?</p> <p>9 MR. BUSHNELL: I am.</p> <p>10 BY MS. DONNELL:</p> <p>11 Q Okay. And Detective Antonini, are you going</p> <p>12 to follow your Counsel's advice and not answer that</p> <p>13 question?</p> <p>14 A Correct.</p> <p>15 Q Detective Antonini, are you in any way --</p> <p>16 well, let's strike that. But pursuant to your</p> <p>17 communication with your Counsel, are you wanting to</p> <p>18 clarify, modify, or change your prior testimony with</p> <p>19 respect to strip searches you conducted for the Mount</p> <p>20 Vernon Police Department?</p> <p>21 MR. BUSHNELL: Objection. You can answer.</p> <p>22 A No.</p> <p>23 Q Okay. Have you ever conducted a strip search</p> <p>24 during your employment at the Mount Vernon Police</p> <p>25 Department of an individual without your supervisor</p>	<p style="text-align: right;">Page 92</p> <p>1 A Correct.</p> <p>2 Q Okay. And have you ever had occasion, then,</p> <p>3 to want to -- to believe that you needed to conduct a</p> <p>4 strip search out in the field, and you didn't have a</p> <p>5 supervisor present?</p> <p>6 A Absolutely not.</p> <p>7 Q Why not?</p> <p>8 A Because we don't do strip searches without the</p> <p>9 supervisor being present or at the field, as you -- when</p> <p>10 you say the field, what do you mean? Like in the</p> <p>11 streets? Open view --</p> <p>12 Q In the streets, or at an apartment, or at some</p> <p>13 location -- in the field, I mean, anything other -- any</p> <p>14 place other than the Mount Vernon Police Department?</p> <p>15 A So, no, we don't do strip searches without the</p> <p>16 supervisor being there.</p> <p>17 Q Okay. So your testimony is you've never</p> <p>18 conducted a strip search of an individual without having</p> <p>19 your supervisor physically present, correct?</p> <p>20 MR. BUSHNELL: Objection -- objection. Asked</p> <p>21 and answered. You can answer it again.</p> <p>22 A Correct.</p> <p>23 Q Have you ever conducted a strip search without</p> <p>24 obtaining prior approval from your supervising officer?</p> <p>25 A No.</p>
<p style="text-align: right;">Page 91</p> <p>1 being physically present?</p> <p>2 A No.</p> <p>3 Q That's never happened?</p> <p>4 A No.</p> <p>5 Q In the narcotics unit, is the sergeant</p> <p>6 supervising officer always out on the street with the</p> <p>7 unit?</p> <p>8 MR. BUSHNELL: Objection. You can answer.</p> <p>9 A Most times. Yes.</p> <p>10 Q Does the unit travel together in multiple cars</p> <p>11 or do you have different assignments -- you were</p> <p>12 dividing the officers among different assignments?</p> <p>13 A Multiple cars.</p> <p>14 Q But are you all doing the same thing or are</p> <p>15 you doing different investigations?</p> <p>16 A Depends what individual detectives or</p> <p>17 investigators are investigating at the time.</p> <p>18 Q So sometimes the narcotics unit operates</p> <p>19 together all as a unit in multiple cars, and sometimes</p> <p>20 you each do different assignments?</p> <p>21 A Correct.</p> <p>22 Q Okay. So have there been times when you've</p> <p>23 been on assignment with another narcotics officer, and</p> <p>24 the supervisor -- supervising officer, is not with you</p> <p>25 and your other narcotics officers?</p>	<p style="text-align: right;">Page 93</p> <p>1 Q That's never happened?</p> <p>2 MR. BUSHNELL: Objection. Asked and answered.</p> <p>3 Go ahead.</p> <p>4 A No.</p> <p>5 Q Has Sergeant Fegan been present when you</p> <p>6 conducted strip searches?</p> <p>7 A Yes.</p> <p>8 Q How many times?</p> <p>9 A Pretty much every single one of my strip</p> <p>10 searches.</p> <p>11 Q So any time that you've conducted a strip</p> <p>12 search, Sergeant Fegan was the supervising officer of</p> <p>13 that search?</p> <p>14 MR. BUSHNELL: Objection. Go ahead.</p> <p>15 A For the vast majority of my strip searches.</p> <p>16 Yes.</p> <p>17 Q I forgot to say this earlier. If, over the</p> <p>18 course of the deposition, your memory is refreshed and</p> <p>19 you want to modify your testimony, you can let me know</p> <p>20 and I'd be happy to let you do that. So for example, if</p> <p>21 I'm asking you a lot of questions about strip searches,</p> <p>22 you remember what -- how many you conducted or how many</p> <p>23 Sergeant Fegan was present for, you can let me know.</p> <p>24 Okay?</p> <p>25 A Okay.</p>

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1 Q All right. Any other supervising officer that
2 you recall being present for a strip search you've
3 conducted, other than Sergeant Fegan?

4 A Well, we've -- we said before how many
5 different supervisors I had in the unit, right? So
6 Sergeant Anthony McEachin, Sergeant Anthony Mitchell,
7 Sergeant Daniel Fischer, at the time, and Sergeant
8 Fegan.

9 Q So each one of those supervisors was present
10 for a strip search you conducted, is that your
11 testimony?

12 MR. BUSHNELL: Objection. You can answer it.

13 A All supervisors were always present for strip
14 searches.

15 Q My question's a little bit different and maybe
16 you've already answered it. But just so the record's
17 clear, are you testifying that you conducted strip
18 searches, and each of those supervising officers that
19 you previously identified, were present for at least one
20 of your strip searches?

21 A Were -- all of our strip searches were
22 conducted under the supervision of a supervisor.

23 MR. BUSHNELL: That's not what she's asking.

24 Q That's not what I'm asking. Yep. I'm asking
25 something different. So I'm asking you whether Sergeant

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1 A I guess you can, based on the reports.

2 Q So is it accurate to say that anytime you
3 conducted a strip search, you documented it in a police
4 report?

5 A Yes.

6 Q When you were with the New York Police
7 Department did you conduct any strip searches?

8 A I don't recall NYPD, yeah. And every search
9 that was conducted was done in -- I don't think we did
10 any strip searches at that time, no.

11 Q Okay.

12 A In NYPD, no.

13 Q So to the best of your ability, your testimony
14 is that you don't remember conducting any strip searches
15 during the time you worked as a police officer with the
16 New York Police Department, correct?

17 A That is correct.

18 Q Okay. How about when you were assigned to the
19 patrol division with the Mount Vernon Police Department?
20 During the time you were on patrol, did you conduct any
21 strip searches?

22 A The searches, especially for patrol, they are
23 done in the cell block, and everything is always
24 recorded in front of the supervisor. So all of our
25 searches were done in -- especially in patrol uniform,

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1 Vincent Stufano -- well, you never worked under him.
2 That's when you were on modified duty, correct?

3 A Correct.

4 Q Did Sergeant Anthony Mitchell supervise any of
5 your strip searches?

6 A I -- if I recall, yes.

7 Q How many?

8 A I can't put a number because so -- long time
9 ago and we only worked together for such a short period
10 of times.

11 Q How about Sergeant Anthony McEachin? Or
12 McKeow -- I'm saying that -- I might not be saying that
13 right. But did he, Sergeant McEachin supervise any
14 strip searches you performed?

15 A I believe so. Yes.

16 Q How many?

17 A Can't tell you a number.

18 Q Was it more than ten?

19 A Again, I can -- that's not something I keep a
20 number of.

21 Q Would it be possible to ascertain how many
22 strip searches you have performed as a Mount Vernon
23 Police Officer, because every time you performed one,
24 you documented it in a case report?

25 MR. BUSHNELL: Objection. You can answer.

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1 all of the searches are done in front of the supervisor.

2 Q And is it fair to say -- I mean, I'm not sure
3 if this is accurate, but are you testifying that when
4 you did a -- you're testifying first that yes, you did
5 do strip searches while you were a patrol officer with
6 Mount Vernon Police Department, correct?

7 A Yes.

8 Q Okay. Do you know how many you did as a
9 patrol officer before you got to narcotics?

10 A Again, you're asking me to put a number on
11 something I can't.

12 Q Okay. When you were a patrol officer, did you
13 also document in a police report that you conducted a
14 strip search?

15 A Correct.

16 Q Okay. Did you conduct more strip searches
17 when you got to the narcotics unit than you conducted on
18 patrol, or kind of the same frequency?

19 MR. BUSHNELL: Objection. You can answer.

20 A Well, I spent more time as a narcotics
21 detective than I did as a patrol, so...

22 Q Understood. I guess what I'm saying is, let's
23 say as a patrol officer, you were conducting strip
24 searches X amount of times per week. And as a narcotics
25 officer, you were doing more, or less, or the same per

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1 week. Are you able to say?

2 MR. BUSHNELL: Objection. You can answer.

3 A No.

4 Q Do you think patrol officers are conducting

5 strip searches just as frequently as narcotics officers

6 for the Mountain Vernon Police Department; if you know.

7 MR. BUSHNELL: Objection. You can answer that.

8 A I can't say.

9 Q Where were you first trained how to conduct a

10 strip search?

11 A Where was I first trained?

12 Q Yes.

13 A That's hard to say. I want to say -- however

14 we were trained in the police academy in NYPD and

15 whatever training we had in Mount -- I had in Mount

16 Vernon. So to say how and when, it's hard for me to

17 answer that.

18 Q Okay. Maybe I'll break it down. Did you

19 receive training when you went to the academy, before

20 when you were a New York -- NYPD officer, on how to

21 conduct strip searches?

22 A I believe I did. Yes.

23 Q Do you know for sure or are you guessing?

24 A It's hard for me to -- I'm talking about,

25 what, 2000 -- what, '15, '16?

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1 Q I know. That's what I'm saying. That's what

2 I'm saying. I know -- I want you to tell me whether you

3 have a -- again, I'm not -- there's no fault. It's just

4 whether you actually remember or not. I'm just saying,

5 do you have an actual memory of being trained on how to

6 conduct strip searches at the academy, when you were

7 being trained as a New York Police Department officer?

8 A No. I don't have a memory of it.

9 MR. BUSHNELL: So Camilo, she -- as she says --

10 Heather has said multiple times, you're only

11 testifying to what you can remember, what you can

12 testify to, what you remember today. Okay?

13 THE WITNESS: So yeah, I don't --

14 MR. BUSHNELL: No guessing, nothing like that.

15 THE WITNESS: I don't know.

16 MR. BUSHNELL: All right.

17 BY MS. DONNELL:

18 Q Yeah. So we don't want you to guess. You

19 know, I don't want you to guess or speculate. I want

20 you to tell me what, you know, what you remember. And

21 sometimes it's not clear, and obviously I'm asking

22 questions from a long time ago, and sometimes you just

23 don't remember. And if you don't, you can just say, I

24 don't remember. So it's -- I think that your testimony

25 is that you don't remember whether you received training

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1 on how to conduct strip searches, when you went to the

2 academy before becoming a New York Police Officer?

3 A Correct.

4 Q Okay. Do you have an actual memory of being

5 trained on how to conduct strip searches, when you

6 received that training, when you came to Mount Vernon?

7 A I don't remember.

8 Q Okay. Do you remember receiving any

9 on-the-job training, observing other officers conduct

10 strip searches, when you got to Mount Vernon?

11 A I don't remember.

12 Q Okay. I think you got into this a little bit

13 already, but I want you to explain the criteria or

14 factors you considered as an officer, to determine

15 whether or not you were going to conduct a strip search

16 of an individual. So can you tell me all the factors

17 you considered?

18 A Historical, severity of the crime, charges of

19 the individual being arrested. I mean, it varies of --

20 you know, how you -- why you want to conduct a strip

21 search.

22 Q Okay. So the things you told me is

23 historical, severity of the crime, charges of the

24 individual, and then you said it varies on the

25 situation. But are there any other factors you

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1 considered before determining that you would conduct a

2 strip search of an individual? Other than what you've

3 just testified to?

4 MR. BUSHNELL: Objection. You can answer it.

5 A Factors such as what? If you don't mind me

6 asking?

7 Q No. I'm asking you. The factors -- I'm

8 sorry. The way the deposition proceeds is that I ask

9 the questions and you give answers, but I can clarify my

10 question for you, which is --

11 A Please.

12 Q Okay. Sounds good. I -- my question to you

13 is, all of the factors you consider before deciding that

14 you're going to conduct a strip of an individual that's

15 in your custody -- can you please identify all the

16 factors you consider?

17 A I guess, severity of the crime, historical --

18 you know, charges of the individual being arrested, you

19 know --

20 Q Okay. That's fair enough. So you've

21 described these three. So when you say, "Historical,"

22 what do you mean by that? Can you please describe?

23 A Maybe the individual has a history of hiding

24 weapons and, you know, concealing the weapons rather

25 than having them in a pocket. And maybe they'll place

<p style="text-align: right;">Page 102</p> <p>1 them in areas where they don't want law enforcement to</p> <p>2 find them. If there's a historical [sic] of that then,</p> <p>3 you know, that might call for a strip search to make</p> <p>4 sure there's no weapons hiding. That's an example.</p> <p>5 Q Any other examples that you consider under the</p> <p>6 historical factor?</p> <p>7 A No. That's pretty much it.</p> <p>8 Q Okay. So you described a history of hiding or</p> <p>9 concealing weapons, that is known to the officer, right?</p> <p>10 A Correct.</p> <p>11 Q Okay. And did you also say hiding -- a</p> <p>12 history of hiding contraband or just weapons?</p> <p>13 A Both.</p> <p>14 Q Both.</p> <p>15 A Could be both, yeah.</p> <p>16 Q Okay. Okay. Then you said, "Severity of the</p> <p>17 crime." What do you mean by that?</p> <p>18 A If you have an individual that might have, you</p> <p>19 know, just assaulted somebody -- you know, committed a</p> <p>20 felony crime and...</p> <p>21 Q So is it fair to say that when you're talking</p> <p>22 about the severity of the crime, the more violent the</p> <p>23 crime, the more that factor weighs in favor of doing a</p> <p>24 strip search?</p> <p>25 A Correct. And also historical. They may -- I</p>	<p style="text-align: right;">Page 104</p> <p>1 weigh into determining whether to conduct a strip search</p> <p>2 or not?</p> <p>3 A Severity of the crime. Historical. What do</p> <p>4 we know about the individual.</p> <p>5 Q Okay. So severity of the crime, in terms of a</p> <p>6 narcotics offense -- what do you mean in the terms of a</p> <p>7 narcotics offense? Like, whether it's a trafficking</p> <p>8 charge, or a personal possession charge, or -- what</p> <p>9 weighs in a narcotics arrest situation?</p> <p>10 A Misdemeanor possession versus a felony</p> <p>11 possession. You understand? Like, somebody that's</p> <p>12 caught for selling it versus somebody that's caught</p> <p>13 trying to use it.</p> <p>14 Q So if it's a use or a possession, you're less</p> <p>15 likely to conduct a strip search versus trafficking or</p> <p>16 large quantities?</p> <p>17 MR. BUSHNELL: Objection. You can answer.</p> <p>18 A It, again, varies on the severity of the</p> <p>19 individual, the crime committed, or the historical --</p> <p>20 what we know about the individual.</p> <p>21 Q Oka. How about if you have no historical</p> <p>22 information on the individual being arrested? You and</p> <p>23 your fellow officers never encountered the individual.</p> <p>24 So you have no historical information. What then do you</p> <p>25 use to consider whether or not a strip search is</p>
<p style="text-align: right;">Page 103</p> <p>1 mean, you could have an individual that could -- might</p> <p>2 have just had a DUI crash, under arrest, you know, you</p> <p>3 kind of take that into account. Then you conduct your</p> <p>4 regular search because the individual's being placed</p> <p>5 under arrest, but you know --</p> <p>6 Q Does a -- I'm sorry. I'm sorry. I didn't</p> <p>7 mean interrupt you. Did you finish your answer?</p> <p>8 A I did.</p> <p>9 Q Like somebody who's being arrested for a</p> <p>10 felony DUI, is that a kind of severity of a crime that</p> <p>11 you would conduct a strip search?</p> <p>12 A Possibly not, no.</p> <p>13 Q Why not?</p> <p>14 A Not that, but I -- then again, probably you</p> <p>15 only have one, if not any DUIs or DWIs in my career, any</p> <p>16 arrests like that, but -- you understand.</p> <p>17 Q Okay. How about if someone's being arrested</p> <p>18 for a narcotics offense? Does just the fact that</p> <p>19 someone's being arrested for a narcotics offense mean</p> <p>20 that they should be strip-searched?</p> <p>21 MR. BUSHNELL: Objection. You can answer.</p> <p>22 A Not necessarily. No.</p> <p>23 Q So when you're, as a narcotics officer,</p> <p>24 arresting someone for -- you believe they've committed</p> <p>25 some sort of narcotics offense, what factors do you</p>	<p style="text-align: right;">Page 105</p> <p>1 necessary?</p> <p>2 MR. BUSHNELL: Objection. You can answer.</p> <p>3 A You proceed with what knowledge you have of</p> <p>4 the individual.</p> <p>5 Q So then does it just go to the severity of the</p> <p>6 offense?</p> <p>7 MR. BUSHNELL: Objection.</p> <p>8 A It could, but each situation will dictate.</p> <p>9 Q Well, what other factors are you considering</p> <p>10 in this -- in the hypothetical where you have no</p> <p>11 historical information on the individual --</p> <p>12 MR. BUSHNELL: Objection.</p> <p>13 Q -- what other than the severity of the offense</p> <p>14 do you consider?</p> <p>15 MR. BUSHNELL: Sorry. Objection. You can</p> <p>16 answer.</p> <p>17 A Each situation will dictate. I mean, it</p> <p>18 doesn't --</p> <p>19 Q Like what? I guess -- explain for me, when</p> <p>20 you say, the "situation will dictate," what you are</p> <p>21 thinking in your head?</p> <p>22 A Well, for example -- an example, you arrest an</p> <p>23 individual that's very -- that's being very calm and</p> <p>24 collected. Listen, I'm sorry. You know, I didn't mean</p> <p>25 to do this X, Y, and Z. You know. I'm being with them</p>

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1 -- listen, we're going to do a search. Is there
2 anything you have on you? The individual might come
3 forward, and says, listen, I don't have anything, but
4 you can search me. I'll do anything you want. So more
5 forthcoming then -- rather than you have an individual
6 that might be arrested for, you know, couple of, you
7 know, bags of -- let's say, in this example, crack. And
8 he might be combating, and screaming at you, and says,
9 I'm going to kill you. I'm going to kill you. Fuck
10 you. Fuck you. Well, then, don't worry about it. I'm
11 a get my knife and do this. And actually starts talking
12 about weapons in front of you, then you'll be more apt
13 to say, you know what? I think I'm going to have to
14 search you more in depth because I don't know, you might
15 have a weapon on you, and you are trying to hurt one of
16 us, or trying to hurt yourself in the process. So like
17 I said, situation will dictate.

18 Q Okay. Understood. So some of those factors
19 mean the compliance of the individual and how
20 forthcoming they are, versus how combative and/or
21 threatening they are. That would be one factor you'd
22 consider in the --

23 A That's a factor.

24 Q -- an example. Another example might be if
25 the individual mentions a weapon or anything of physical

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1 threat to you or your fellow officers, that would be a
2 factor you'd consider?

3 A That is a factor. And again, whatever we know
4 about the individual, historical -- whether there's a
5 history of that.

6 Q Yes, yes. This question was initially
7 prefaced with the hypothetical that you didn't have any
8 historical information, but understood. Okay. So let
9 me ask you this. Have you ever obtained a weapon when
10 conducting a strip search, that was secreted on an
11 individual's person?

12 A Yes.

13 Q Well -- okay. You have? Where -- what have
14 you obtained, weapon-wise?

15 A Well, there's been weapons tied into their
16 inner thighs. There's been weapons tied into -- the
17 front of chest. There's been weapons tied underneath
18 the armpits. There's been razor blades inside the
19 mouth. There's been razor blades tucked underneath the
20 socks, or contraband, you know, for that matter. There's
21 been --

22 Q Yeah, sorry. I was just talking about weapons
23 first, but then you can tell me contraband. So weapons,
24 you've found -- have you found -- so you found razor
25 blades. When you found weapons on the thigh, were those

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1 guns, or knives, or what were those?

2 A Both.

3 Q Okay. And how about front of the chest? What
4 kind of weapons have you found?

5 A Guns and knives.

6 Q Okay. And how about armpits? What kind of
7 weapons?

8 A Knives, contraband.

9 Q Knives and contraband.

10 A Weapons and contraband.

11 Q And you said, razor blades in the mouth and
12 razor blades on feet?

13 A Yes.

14 Q Any other -- have you ever found any weapons
15 secreted in someone's buttocks?

16 A There's been weapons that fell from the
17 buttocks.

18 Q Okay. What weapons have fallen from a
19 buttocks during the course of a strip search?

20 A Knives, usually.

21 Q Have you ever found a gun secreted in a
22 buttocks -- fallen out of a buttocks?

23 A No. But tucked in the waist-side, yes. But -

24 -

25 Q On the waist. Okay. Okay. Any other --

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1 okay. So how about contraband? Have you found
2 contraband secreted on somebody's person in the course
3 of a strip search?

4 A Yes.

5 Q What kind of contraband?

6 A Crack. Heroin. Marijuana, when -- when it
7 was illegal.

8 Q Yeah. Right. Understood. Yes.

9 A I mean, coke, PCP.

10 Q Where -- have you found drugs, narcotics or
11 the contraband you -- sorry, strike that. The
12 contraband you've just identified, being largely
13 narcotics, have you found that secreted in individuals'
14 mouths?

15 A Yes.

16 Q Okay. And you found that when you requested
17 them to open their mouth?

18 A Yes.

19 Q Okay. Have you found contraband such as you
20 just described secreted in anybody's buttocks?

21 A Yes.

22 Q How about their anal cavity?

23 A Tucked inside?

24 Q Uh-huh.

25 A Well, if you -- if we can't see it, we can't

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1 assume that there isn't anything in there.

2 Q So I'm saying when you found it in somebody's
3 buttocks -- not -- contraband in somebody's buttocks,
4 has it just been in between their crack? Not inside
5 their anus?

6 A Between the ass cheeks.

7 Q Okay. Have you -- and have -- where have you
8 -- that's come out when they've squatted and coughed, or
9 you've observed it on physical inspection, or both? I
10 mean, on visual inspection or both?

11 MR. BUSHNELL: Objection. You can answer.

12 A So I guess that's the purpose of having the
13 individual squat down and cough. Assuming it's because
14 the reaction of the cough will loosen the muscle. And
15 whatever is being held by the ass cheeks per se, will
16 usually just fall into the ground. Again, that's why we
17 ask individuals who are being strip-searched to squat
18 down and cough.

19 Q Have you ever have seen or been made aware
20 that the individual that's being strip-searched has the
21 contraband partially in their anal cavity, such as like
22 in a plastic bag, and so it doesn't fall out when you
23 ask them to squat or cough, but yet you know that
24 there's a plastic bag partially inserted into their anal
25 cavity?

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1 MR. BUSHNELL: Objection. You can answer.

2 A Inserted into where? Like their --

3 Q Their anal cavity. Yeah. Have you ever done
4 an inspection where you ask them to squat and cough, it
5 doesn't fall out, but you can see that there might be
6 something still secreted or partially secreted in their
7 buttocks or anal cavity?

8 A We -- if we don't see it, we -- that's -- you
9 know, we can't assume. But you're saying that -- if
10 there's a visual of it?

11 Q Yeah. Like you were able to observe -- I'm
12 asking if you've ever observed somebody having drugs in
13 their anal cavity -- let's say in a plastic bag,
14 partially inserted into their anal cavity. Have you
15 ever observed that?

16 A I'm sure there's been cases, but I don't
17 recall having --

18 Q Okay. Have you ever requested somebody --
19 sought a warrant for someone to have a cavity search
20 performed by a medical professional?

21 A Have I ever had a search warrant for somebody
22 to be --

23 Q Taken to have a medical professional search
24 them?

25 A I've never have -- I've never had to come into

Page 112

1 that situation.

2 Q Okay. Are you aware of any investigation in
3 which any of your narcotic officer colleagues sought a
4 warrant for a cavity search?

5 MR. BUSHNELL: Objection. You can answer.

6 Q If you know?

7 A No.

8 MS. DONNELL: Okay. Okay. So let's see. I'm
9 going to have -- so let me just see what I
10 previously marked this exhibit as. But Steve, I'm
11 going to show him the 3.045. I just can't remember
12 what I designated it previously, so just --

13 MR. BUSHNELL: 2 and 3, it looks like.

14 BY MS. DONNELL:

15 Q Okay, sure. Just give me one minute. Okay.
16 Yes. Okay. So I'm going to have you look at, Detective
17 Antonini, what I previously designated as Exhibit 2 to
18 your deposition, which is the procedure number 3.045
19 that was produced in this litigation by the City of
20 Mount Vernon. And it has a date of being issued on
21 January 4, 1993, effective January 18, 1993. Do you
22 have that in front of you?

23 (EXHIBIT 2 MARKED FOR IDENTIFICATION)

24 A Yes.

25 Q Okay. And it's a two -- let's see. No, it's

Page 113

1 a three-page document, correct?

2 A Yes.

3 Q Okay, great. Are you familiar with what I've
4 designated as Exhibit 2 to your deposition?

5 A It says, the policies and procedures for
6 search of arrested persons?

7 Q Yes. Are you familiar with that document?

8 A Yes.

9 Q Is this one of the documents you looked at to
10 prepare for your deposition today?

11 A Yes.

12 Q Prior to reading this -- or reviewing Exhibit
13 2 to prepare for your deposition, when was the last time
14 you have seen this document; if you know?

15 A Can't say.

16 Q Okay. Do you know if you ever saw it prior to
17 your -- preparing for your deposition?

18 A I am sure I have. Yes.

19 Q Do you have a specific recollection of when
20 that was?

21 A No recollection of when it was, no.

22 Q So you see here, I'm going to -- well, I guess
23 you can't see, but do you see in the -- under the
24 subject it says, "Search of arrested persons", and then
25 the first subheading is "Purpose", right?

Page 114

1 A Yes.

2 Q Okay. And this says at the -- the first line

3 says, "The manual of procedures provides for the

4 thorough search of all arrested persons," correct?

5 A Yes.

6 Q And then the next line says, "However, a

7 person arrested will not be subject to a full strip

8 search unless there is a rational basis for doing so,"

9 correct?

10 A Correct.

11 Q Okay. And then it says, "To maximize security

12 and minimize hazards to the arresting officer, the

13 arrested person," and the department, these are the

14 guidelines, right?

15 A Yes.

16 Q So the -- let's go down to procedure. The

17 procedure initially has frisk and field searches, right?

18 A Yes.

19 Q Okay. And the frisk is defined in this policy

20 to be, "Performed primarily to ensure the personal

21 safety of the arresting officer." And, "Is a

22 methodical, external body examination of the arrested

23 person conducted immediately after apprehension to find

24 weapons, evidence, or contraband," right?

25 A Yes.

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1 Q And this is to be conducted before or just

2 immediately after the subject is handcuffed in the rear,

3 and it's a, "Feeling for weapons or other objects, with

4 special attention to the waistband, armpit, collar, and

5 groin areas," right?

6 A Yes.

7 MR. BUSHNELL: Just for the record, it's not a

8 verbatim recitation of the policy, but it's --

9 MS. DONNELL: Yeah, that's true. That's fair.

10 Thank you.

11 MR. BUSHNELL: Okay.

12 BY MS. DONNELL:

13 Q And then it says, a frisk or pat down may be

14 conducted, "By an officer, regardless of sex," that has,

15 "Reasonable suspicion to stop a person, where the stop

16 indicates a search is proper," right?

17 A Yes.

18 Q And then under subsection -- that was

19 subsection A. And subsection B says, "By the arresting

20 officer, regardless of sex, where there is a lawful

21 arrest on probable cause," correct?

22 A Yes.

23 Q Okay. And then if there's two officers

24 present and one is of the same sex, of the person -- the

25 person detained, "That officer should conduct the

Page 116

1 frisk," correct?

2 A Correct.

3 Q Then the policy says, at the bottom of page 1,

4 "In either case, where a more extensive search is called

5 for, the subject should be brought into the station and

6 Section B rules, 'Search at police facility,' should be

7 followed." Do you see that?

8 A Yes.

9 Q Okay. And then subsection D at the top of

10 page 2 says, "Where there is no probable cause to stop

11 or arrest a person, there is no basis to justify any

12 search of a person." Do you see that?

13 A Yes.

14 Q Okay. Now, let's go down to the search of the

15 police facility. Here, it says -- it's under number

16 two. "Upon arrival at police headquarters or other

17 department facility, the arresting officer or a

18 designated member of the same sex as the prisoner, will

19 conduct a thorough search of the subject's person

20 clothing to ensure the safety of all persons within the

21 facility and to remove weapons, contraband," or --

22 "Evidence not discovered by the frisk," right?

23 A Yes.

24 Q "Other items lawfully carried, but are

25 dangerous to life, or which could facilitate escape or

Page 117

1 deface or damage property, will also be removed from the

2 subject," right?

3 A Yes.

4 Q And then the policy goes on in section three

5 to say, a search at the police facility, not a 'Strip

6 search,' includes the removal of outer garments, such as

7 overcoats, jackets, sweaters, vests, hats, wigs, ties,

8 belts, shoes, and socks, handbags, and wallets," right?

9 A Yes.

10 Q And that, "Pockets are to be emptied," right?

11 A Right.

12 Q Okay. And then you search the person by not

13 removing their clothing, but "Grabbing, crushing, and

14 squeezing garments," and sliding your body -- hands over

15 the body to detect any objects, right?

16 A Right.

17 Q Okay. Then it goes on in the next section to

18 describe a strip search, right?

19 A Right.

20 Q Now I -- I have a question for you. When you

21 just arrest an individual out on the street, and you

22 bring them into the station, and they're just going to

23 be processed, and put into custody, do you always

24 conduct a strip search as a narcotics officer? Or do

25 you sometimes just turn them over to the lock up keeper

Page 118

1 or the desk (phonetic) sergeant for processing?

2 MR. BUSHNELL: Objection. You can answer.

3 A We conduct our own searches in our office.

4 Q For every single arrest you make?

5 A No, not every single arrest. It was like --

6 like we mentioned before, the severity of the crime will

7 call for or dictate whether we need to do a full,

8 thorough strip search or just (sound effect). And then

9 whether that search is conducted in our office, since we

10 have our own holding cell, or the individual that's

11 being arrested may have not deemed, you know, a full,

12 crazy search, just bring them downstairs to the cell

13 block, being processed there, then put in a holding

14 cell.

15 Q So it's fair to say sometimes individuals are

16 taken into custody, arrested by the narcotics unit,

17 they're frisked -- I mean, they're patted down and

18 searched, but there's no strip search conducted,

19 correct?

20 A Correct.

21 Q Are you able to say what percentage of arrests

22 the narcotics unit made where a strip search was

23 conducted versus not conducted?

24 MR. BUSHNELL: Objection.

25 Q Like 50 percent of the time, or...?

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1 MR. BUSHNELL: Objection. You can answer, if

2 you can.

3 A I can't answer that.

4 Q Can't answer that. Okay. All right. So --

5 okay. So under the strip search, the policy says that

6 "the desk officer or supervisor present will decide if a

7 strip search should be conducted and is responsible that

8 the search is conducted properly." Do you see that?

9 A Yes.

10 Q "A, 'Strip search,' will be utilized when the

11 arresting officer reasonably suspects that weapons,

12 contraband, or evidence may be concealed upon the person

13 or in their underclothing, in such a manner that they

14 may not be discovered by the previous search methods."

15 Do you see that?

16 A Yes.

17 Q It says, "Other factors that should be

18 considered in determining the necessity for a 'Strip

19 search' include the nature of the crime; serious,

20 violent felony; arrest circumstances; subject's

21 reputation; extremely violent person; act of violence;

22 and discoveries from previous searches," right?

23 A Yes.

24 Q Okay. And then the policy says that

25 "determining whether a, 'Strip search,' is necessary,

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1 the reasonableness of" such a search under the

2 circumstance will control, right?

3 A Right.

4 Q And then, "A, 'Strip search,' will be

5 conducted by a member of the same sex as the arrested

6 person in a secure area in uttermost privacy and with no

7 other arrestee present," correct?

8 A Correct.

9 Q And it should be -- "It should not be

10 necessary to touch the subject's body, except for

11 examination of the hair," correct?

12 A Correct.

13 Q "If a 'Strip search,' is conducted, such

14 information will be entered under, 'Details,' in the

15 arrest book," right?

16 A Right.

17 Q What is the arrest book?

18 A What is the arrest book?

19 Q Yeah.

20 A It's a book that the patrol division is kept

21 in the cell block (phonetic).

22 Q And earlier you testified that you would

23 document if you did a strip search in a police report,

24 right?

25 A I'm sorry. Repeat that question?

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1 Q I'm sorry. Earlier you testified that if you

2 conducted a strip-search, you would document it in your

3 police report, correct? The case report?

4 A I -- correct.

5 Q Did you ever document that you conducted a

6 strip search in an arrest book?

7 A No.

8 Q So that --

9 A And I don't -- and to my -- I don't think that

10 the department keeps an arrest book in the cell block

11 anymore --

12 Q Okay.

13 A -- to my knowledge.

14 Q And then subsection four C says, "A

15 subsequent, 'Strip search,' will not be conducted unless

16 there is a reasonable belief that the subject has

17 acquired a weapon or contraband." Do you see that?

18 A Yes.

19 Q Do you take that to mean, that once an

20 individual's been strip-searched a single occasion, they

21 won't be strip-searched a second time, unless there's a

22 belief that the subject acquired a weapon or contraband,

23 subsequent to the original strip search?

24 A I guess.

25 Q Have you ever been involved in an -- having an

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1 individual be strip-searched more than once in your
 2 presence, either by you or one of your fellow officers?
 3 A Yes.
 4 Q Okay. Tell me, do you -- was that on one
 5 occasion or more than one occasion?
 6 A Can't say.
 7 Q Okay. But you -- your testimony is you have
 8 been present for when a subject's been strip-searched
 9 more than once; to your knowledge?
 10 A Correct.
 11 Q And you aren't able to say one way or the
 12 other how often that has occurred?
 13 A Oh, we -- we've -- I mean, this -- we've
 14 arrested individuals on multiple occasions.
 15 MR. BUSHNELL: So I think that's the problem.
 16 MS. DONNELL: Oh, I'm sorry. Let me -- thank
 17 you. Let me rephrase.
 18 MR. BUSHNELL: All right. Didn't mean to jump
 19 in there.
 20 MS. DONNELL: Sorry, go -- Steve, I'm sorry I
 21 interrupted you but I think I got -- understand.
 22 MR. BUSHNELL: Yeah, I was about to jump in on
 23 there. Yeah. If you want to reclarify and say --
 24 BY MS. DONNELL:
 25 Q Sure, let me clarify the question for you,

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1 Detective Antonini. So, Detective Antonini, I'm asking
 2 you in a -- during the course of a single arrest --
 3 A Okay.
 4 Q -- have you been part of either yourself or
 5 observing your fellow officers conduct a strip search of
 6 the same subject during a single arrest? Not like one
 7 time a month ago.
 8 A Oh, no.
 9 Q You have not? Okay.
 10 A No.
 11 Q So it's your testimony that when you've been
 12 involved in a strip search of a subject during an
 13 arrest, there's only been one strip search of that
 14 subject?
 15 A Correct.
 16 Q Okay. So when you were testifying earlier,
 17 you know of individuals who've been strip-searched more
 18 than once, you mean on separate occasions -- on
 19 different arrests?
 20 A Correct.
 21 Q So it's your testimony that you've never
 22 strip-searched a single subject during one arrest, that
 23 you've never participated in that?
 24 MR. BUSHNELL: Objection. You can answer.
 25 A Strip-searched on the same single incident?

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1 Q Correct.
 2 A Strip-searched multiple times?
 3 Q Yeah.
 4 A No.
 5 Q Let's say once out in the field and then once
 6 when you brought him to the station?
 7 A Absolutely not. Never.
 8 Q Never happened? Okay. All right. And then a
 9 sub -- going down the policy for section -- paragraph
 10 four D, it says, "A, 'Strip search,' will not be
 11 conducted after a decision is made to avoid an arrest or
 12 to release the prisoner immediately upon issuance of a
 13 summons." Do you see that?
 14 A Correct.
 15 Q And then E says, "A thorough clothing search
 16 will usually eliminate the necessity of a full, 'Strip
 17 search,' for weapons, and ensure maintenance of safety
 18 and security standards. However, a 'Strip search' for
 19 other evidence may still be necessary in some
 20 instances." Do you see that?
 21 A Yes.
 22 Q And did you follow that practice, like if you
 23 do a thorough clothing search, you should be able to
 24 find -- be able to feel, let's say, if there's a gun or
 25 a knife on somebody's chest, or a gun or a knife in an

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1 armpit, or a gun or a knife in a waistband or in the
 2 upper thigh? Usually if you're feeling so over
 3 someone's clothing, you can find those, right?
 4 MR. BUSHNELL: Objection to form. You can
 5 answer.
 6 A So if we -- if we found a gun on the armpit,
 7 that doesn't mean that we stop searching.
 8 Q Right. But like you could -- if somebody has
 9 a gun under their armpit, you can usually feel that when
 10 you're feeling over their clothes, correct?
 11 MR. BUSHNELL: Objection. You can answer.
 12 A So we should stop searching everything else,
 13 just because we found -- no. We conduct a full search
 14 after that, yes.
 15 Q Understood. But the -- I think I understand
 16 what you're saying. You're saying if you find a gun
 17 under the armpit, you might keep searching because there
 18 might be one on the waistband, or a knife on the thigh.
 19 You have to conduct a thorough search, no matter if you
 20 find a weapon, right?
 21 A Correct.
 22 Q Okay. But my question is a little bit
 23 different. My question is, as policy -- your policies
 24 states, usually a thorough investigation of someone's
 25 clothing will -- of -- find weapons that are on a

<p style="text-align: right;">Page 126</p> <p>1 person's body, right? You can usually feel it?</p> <p>2 MR. BUSHNELL: Objection -- objection. You can</p> <p>3 answer.</p> <p>4 A In some instances, yes.</p> <p>5 Q Okay. And so it -- usually, a thorough</p> <p>6 clothing search will eliminate the necessity of a full</p> <p>7 strip search. Would you agree with that?</p> <p>8 MR. BUSHNELL: Objection. You can answer.</p> <p>9 A In some instances.</p> <p>10 Q So you don't agree with that statement? Are</p> <p>11 you qualifying?</p> <p>12 A Not always.</p> <p>13 Q Okay. You can put Exhibit 2 down. Okay. I'm</p> <p>14 going to have you look at Exhibit 5. Does -- can Steve</p> <p>15 hand you what I previously designated as Exhibit 5 to</p> <p>16 your deposition? It's a one-page document, "Detective</p> <p>17 division operational procedures, search of individuals."</p> <p>18 It was issued on February 10, 2015.</p> <p>19 (EXHIBIT 5 MARKED FOR IDENTIFICATION)</p> <p>20 MS ACQUISTO: Is that the right one?</p> <p>21 MR. BUSHNELL: Exhibit 5, Detective --</p> <p>22 MS. DONNELL: It's at the --</p> <p>23 MR. BUSHNELL: Detective division oper --</p> <p>24 search of individuals?</p> <p>25 MS. DONNELL: Yeah.</p>	<p style="text-align: right;">Page 128</p> <p>1 MR. BUSHNELL: Objection. You can answer.</p> <p>2 A No.</p> <p>3 Q Do you remember -- do you have a specific</p> <p>4 memory of receiving any training on when it became --</p> <p>5 when it became issued in February, 2015?</p> <p>6 A No.</p> <p>7 Q But you were a narcotics officer at that time,</p> <p>8 correct?</p> <p>9 A Correct. Yes.</p> <p>10 Q And you were working under Sergeant Sean</p> <p>11 Fegan, correct?</p> <p>12 A At the time, 2015? Yes.</p> <p>13 Q Okay. Okay. And here it says -- this is the</p> <p>14 subject matter of this operational procedures is the</p> <p>15 search of individuals, right?</p> <p>16 A Yes.</p> <p>17 Q And it says that members are guided by the</p> <p>18 department manual" -- "Operational procedure number</p> <p>19 3.045, search of arrested persons." That's what we just</p> <p>20 looked at in Exhibit 2, right?</p> <p>21 A Yes.</p> <p>22 Q And then it says, in the event of a deviation</p> <p>23 from this policy -- "In the event that a deviation from</p> <p>24 this policy is required," a "strip search becomes</p> <p>25 necessary, the following procedure will apply." Do you</p>
<p style="text-align: right;">Page 127</p> <p>1 MR. BUSHNELL: SOP 16?</p> <p>2 MS. DONNELL: You got it.</p> <p>3 MR. BUSHNELL: Thanks.</p> <p>4 MS. DONNELL: Okay. And I previously</p> <p>5 designated this as Exhibit 5 to the deposition.</p> <p>6 MR. BUSHNELL: Yep.</p> <p>7 BY MS. DONNELL:</p> <p>8 Q Okay. Okay. Detective Antonini, do you have</p> <p>9 Exhibit 5 in front of you?</p> <p>10 A I do.</p> <p>11 Q Okay. Do you recognize Exhibit 5?</p> <p>12 A Yes.</p> <p>13 Q Did you look at Exhibit -- the -- the --</p> <p>14 designated as Exhibit 5 to prepare for your deposition</p> <p>15 today?</p> <p>16 A Yes.</p> <p>17 Q Prior to looking at Exhibit 5, the Detective</p> <p>18 division operational procedures for search of</p> <p>19 individuals to prepare for your deposition, when's the</p> <p>20 last time you saw it; if you remember?</p> <p>21 A I don't remember.</p> <p>22 Q Do you have an actual memory of being trained</p> <p>23 -- well, do you remember why this detective division</p> <p>24 operational procedure 16 came into effect? Do you have</p> <p>25 any memory as to the history of it?</p>	<p style="text-align: right;">Page 129</p> <p>1 see this?</p> <p>2 A Yes.</p> <p>3 Q Okay. And then it says a, "Member will</p> <p>4 conduct the search of," an arrested person, "In the cell</p> <p>5 block whenever possible," right?</p> <p>6 A Yes.</p> <p>7 Q Is that your understanding, that strip</p> <p>8 searches were supposed to be conducted at the station,</p> <p>9 in a cell block, whenever possible?</p> <p>10 A Whenever possible.</p> <p>11 Q Was that your understanding?</p> <p>12 A Yes. Whenever possible.</p> <p>13 Q Okay. When was it not possible to transport</p> <p>14 an arrestee to the station to conduct a strip search at</p> <p>15 the department --</p> <p>16 MR. BUSHNELL: Heather, I think you're cutting</p> <p>17 out a little bit there.</p> <p>18 MS. DONNELL: Oh, sorry. I'm so sorry.</p> <p>19 MR. BUSHNELL: Could you repeat that?</p> <p>20 MS. DONNELL: Okay. Yeah, you were looking at</p> <p>21 me, and I was like, did he -- okay. Sorry. I'll</p> <p>22 say it again.</p> <p>23 BY MS. DONNELL:</p> <p>24 Q Can you hear me now?</p> <p>25 A Yes.</p>

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1 Q Okay. When was it not possible to bring an
2 individual to the station to be strip-searched?

3 A There's situation -- well, the -- like I said,
4 the situation would dictate. Like, we could have a --
5 like, specifically to search warrants is pretty much
6 what this is -- applies to. So if we are in a location
7 where we're conducting a search warrant of an apartment
8 and there's an individual where we could conduct a strip
9 search at that location, it'll be conducted there.
10 Obviously under the supervision of our supervisor, and
11 obviously with camera in place to do it, you know, as
12 per procedure.

13 Q Did you ever conduct a -- did you find it
14 justified to conduct a strip search out on the street?

15 A Absolutely not.

16 Q Never happened?

17 A No.

18 Q How about -- so you're saying only -- you did
19 it in the field, only when it was pursuant to a warrant
20 to search a home or apartment? So you would do it at
21 the home where the apartment?

22 A So I get a little confused every time you say
23 on the field. So to be more specific, in closed
24 locations, like apartments, houses, where it's more of a
25 private -- "private setting" Nothing in the open of

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1 street.

2 Q What happens if you arrest somebody for -- on
3 the street? Like you observe them, and you believe you
4 have probable cause to arrest them for trafficking
5 narcotics, and they're out on the street. And you do a
6 pat down and you're concerned that they're secreting
7 weapons or contraband on their person? Do you --

8 A The strip search will be conducted back at
9 headquarters.

10 Q Okay. And for the individuals that are -- so
11 when you're saying you strip search people pursuant to a
12 search warrant for a home, or an apartment, or a
13 business, why do you not bring those individuals back to
14 strip search at the station?

15 A Because it's -- it -- I guess, like I said
16 before, the situation would dictate. Whereas, if it's
17 more convenient and easier to conduct a search at the
18 location, it's usually conducted there. Whereas, not to
19 repeat --

20 Q So the default was to conduct it on the
21 location? The default is if there's an enclosed space
22 that you could do it on location, you would -- the
23 default was to do it on location where the search was
24 being conducted?

25 A Correct. And then we don't have to repeat the

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1 process back at headquarters because you already
2 conducted the strip search.

3 Q Okay. And when you turn those persons over to
4 the watch commander or the jail, would you let them know
5 they have already been strip-searched, so they don't
6 have to be strip-searched again? Or would the people
7 putting them into the detention facility strip search
8 them again; if you know?

9 A No. They would not be strip-searched again.

10 Q Okay. So how would you convey that to -- when
11 you brought somebody in for processing, you would let
12 them know orally they had been strip-searched?

13 A The desk officer will respond back to the cell
14 block, in order to book the individual that's being
15 processed. Well, at that time, we'll tell the desk
16 officers if the individual's already strip-searched. No
17 need to conduct another search for. All his items have
18 been removed, he's clear, you know, deemed to be safe,
19 blah, blah. All he does after that is pretty much
20 conduct his evaluation of, you know, the individual
21 before he's placed into a cell block.

22 Q Okay. All right. So let's go through section
23 C [sic]. It says -- number two, it says that the "Strip
24 searches will be conducted in accordance with parameters
25 set forth in operational procedure 3.045," right?

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1 A Yeah.

2 Q And then it says, "In the event that a strip
3 search is conducted, a detective division supervisor
4 will be present and will direct one member to conduct
5 the search in a private room. A second member is to
6 video/audio record the subject being advised that he or
7 she will be strip-searched. The recording will continue
8 from outside the private room while the searching
9 officer and subject are inside. And, "Upon completion
10 of the search, the recording officer will conclude the
11 recording by asking the subject's name and inquiring of
12 the searching officer and subject if the search was
13 completed without incident and if any contraband was
14 recovered. This procedure will be followed in all
15 instances in which a strip search is conducted,
16 regardless of location." Do you see that?

17 A Yes.

18 Q Okay. And is that the policy that you
19 followed when you conducted strip searches?

20 A Yes.

21 Q Okay. When -- you said that the narcotics
22 office had a holding cell, right?

23 A We do.

24 Q Is that where the strip searches were
25 conducted when you -- when you did them at the station?

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1 A If we -- no. We have a private room inside
2 the narcotics office.
3 Q So the searches weren't conducted in the
4 holding cell, they were in the private room?
5 A Correct.
6 Q Where is the private room, inside the
7 narcotics office?
8 A Inside the narcotic office.
9 Q Well, what -- where? Tell me where.
10 A So if you were standing in the office right
11 now, there's a small, enclosed room in -- behind you in
12 the corner with a door.
13 Q Was the room used for anything else other than
14 strip searches?
15 A Interviewing, debriefing.
16 Q So it's like an interrogation room?
17 A No.
18 MR. BUSHNELL: Objection. Go ahead.
19 A No.
20 Q And what do you -- when you're saying
21 interviewing, you mean like interviewing witnesses or
22 subjects?
23 A Well, when you want to have a -- if you want
24 to debrief somebody quietly without having -- there's
25 some case instances where you have two different

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1 individuals in the same office -- two without relation
2 to the other. So you want to have -- you want to
3 conduct your own interview with one individual in that
4 room, rather than have it in the open where the other
5 -- the other individual can hear what you are saying.
6 Q Maybe you can explain this to me. Does the
7 narcotics unit have an office that's within the
8 detective division?
9 A Our own separate office?
10 Q Yeah. Or are you just in the detective
11 division with all the other -- all the other kinds of
12 detectives?
13 A Yes. The narcotics unit has his own separate
14 office away from the detective division, yes.
15 Q And the narcotics officers, did you guys have
16 your own offices, or just desks, or lockers? What did
17 you as officers have in there?
18 A Open desk.
19 Q Open desks? And did the sergeant have -- was
20 there a sergeant's office -- or is there a sergeant's
21 office?
22 A Yes. He has his own separate office within
23 the narcotics office.
24 Q Within. Okay. And then how many private
25 rooms or interview -- would you call them an interview

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1 room, or what would you call them?
2 A Only one.
3 Q There's only one. Okay. So there's one
4 private room within the narcotics unit that can be used
5 for interviewing individuals privately, strip-searching,
6 right?
7 A Correct.
8 Q But then does the detective division have its
9 own separate office, where it has interrogation -- or
10 interview rooms or interrogation rooms?
11 A No. The division has its own interview rooms
12 where they conduct their own interview procedures or
13 interrogating room.
14 Q Okay. I know we talked about taking a -- like
15 a short lunch break shortly, but before we do, in --
16 this -- the incident we're -- was in November 2017,
17 right?
18 A (No verbal response.)
19 Q Do you remember the narcotics officers that
20 were part of the unit in November 2017, other than
21 yourself and Sergeant Fegan?
22 A Do I remember who was part of the unit?
23 Q Yeah.
24 A During -- Joseph Valente, Bobby Puff, Patrick
25 King. Can't think of anybody else who was in the unit

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1 at that time.
2 Q How many -- did you guys have the same on and
3 off days, or did you -- well, let me strike that. How
4 many days a week did the narcotics unit operate back in
5 2017?
6 A How many days a week? I believe it was four
7 days on, two days off, four days on, three days off.
8 Q Did you guys have the same off days? What I'm
9 trying to understand is, was it operating seven days a
10 week and you guys rotated who was on and off? Or was it
11 operating like four days at a time then you all had two
12 days off, four days at a time, then you all had the same
13 three days off?
14 A Correct. It was a --
15 Q The latter?
16 A Four on, two off, four on, three off,
17 everybody.
18 Q So everybody always worked the same shifts and
19 then there'd be certain days a week there just wouldn't
20 be a narcotics unit operating?
21 A The same working hours, but -- the same shift,
22 but the different working hours, we would dictate what
23 time we were coming in for the next day, and so on, and
24 so forth. As long as we work the eight-hour shift.
25 Q But is it accurate to say that you guys would

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1 work the same four days, and then you'd have the same
 2 two days off, and there'd be no narcotics unit
 3 operating?
 4 A Correct.
 5 Q Okay. Is that same schedule true now; do you
 6 know?
 7 A I don't know. Can't tell.
 8 Q Okay. Got it.
 9 MS. DONNELL: Okay. Let's do this. Let's go
 10 off the record and then Steven, maybe you and I can
 11 talk for just a minute.
 12 MR. BUSHNELL: Sure.
 13 VIDEOGRAPHER: Okay. We are going off record
 14 at 12:55 p.m.
 15 (OFF THE RECORD)
 16 VIDEOGRAPHER: All right. We are back on the
 17 record at 1:35 p.m.
 18 BY MS. DONNELL:
 19 Q Okay. Detective Antonini, I'm going to call
 20 your attention to what I previously designated as
 21 Exhibit 13 to your deposition, and it's the "defendants'
 22 limited disclosures," that were produced in this case on
 23 March 22, 2021. I think it's a six-page document, and
 24 it should be there for you.
 25 (EXHIBIT 13 MARKED FOR IDENTIFICATION)

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1 A Okay.
 2 Q Okay. Can you hear me okay? I just got a
 3 notation on my Zoom that I might not be being heard
 4 okay. Are you okay?
 5 A I hear you okay.
 6 Q Okay. Just let me know if something changes.
 7 Okay. So have you - well, are you familiar with the
 8 document that I've designated as Exhibit 13 to your
 9 deposition?
 10 A Yes.
 11 Q Okay. And have you looked at that before?
 12 A Yes.
 13 Q When's the last time you saw it?
 14 A I can't recall. Earlier today, I think.
 15 Q Earlier today?
 16 A Yes.
 17 Q Okay. Let's call - I'm going to have you turn
 18 to page 2 where it says, "Prior section 1983 lawsuits
 19 filed against and served on the defendants." Do you see
 20 that?
 21 A Page 2? Which line?
 22 Q Starting at the bottom, it's - there's
 23 paragraph five.
 24 A Okay. I see it.
 25 Q Okay. So this is listing some lawsuits - some

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1 lawsuits filed under section 1983 against you and other
 2 Defendants. And I want to go through the list of
 3 lawsuits that are here for - listed for you. Okay?
 4 A Okay.
 5 Q Okay. And if there's any additional ones that
 6 are not listed here, you can let me know, but let's
 7 start with the first one. The first is titled Cayruth
 8 versus - Cayruth? I think I'm saying that right, or do
 9 you say it a different way?
 10 MR. BUSHNELL: You're saying that, right.
 11 BY MS. DONNELL:
 12 Q Cayruth, and I believe it's Komato [sic]
 13 Cayruth, v. the City of Mount Vernon, including you. Are
 14 you familiar with that lawsuit against you?
 15 A I believe I am, yes.
 16 Q Okay. And you know that that lawsuit makes an
 17 allegation of an unlawful strip search against you,
 18 correct?
 19 A Correct.
 20 Q Is that right?
 21 A Yes.
 22 Q Okay. And is that one of the cases - have you
 23 been deposed in that case?
 24 A I believe I was, and this happened to me a
 25 long time ago.

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1 Q Okay. This involves a strip search where
 2 there was no arrest made; is that right?
 3 A I believe so, yes.
 4 Q Okay. Do you remember the search you
 5 conducted of Mr. Komato Cayruth?
 6 A Do I remember the search?
 7 Q Yes.
 8 A No, I do not.
 9 MR. BUSHNELL: Just for the record, Heather,
 10 it's Komanjo. K-O-M-A-N-J-O.
 11 MS. DONNELL: Komanjo. Thank you. I'm sorry.
 12 MR. BUSHNELL: No. You're welcome.
 13 BY MS. DONNELL:
 14 Q So as you sit here today, you have no
 15 recollection of your search of Mr. Cayruth?
 16 A I don't remember.
 17 MR. BUSHNELL: So also, I would just like to
 18 say, too, that this is an ongoing lawsuit currently,
 19 you know, to the extent that he's asked to testify
 20 about deposition testimony that he's already given
 21 that is going to be -- likely going to be the
 22 subject of an upcoming civil trial. He -- you can
 23 ask about the facts of the case, I think, but
 24 anything that goes into his deposition or anything
 25 like that, I would object to.

<p style="text-align: right;">Page 142</p> <p>1 MS. DONNELL: Well, I -- that's -- I think</p> <p>2 -- let's -- I'll take it question by question, but I</p> <p>3 think I can ask him -- I mean, obviously this is</p> <p>4 -- pertains to a -- not just a lawsuit, but also a</p> <p>5 civilian complaint.</p> <p>6 MR. BUSHNELL: Right. And I don't -- I don't</p> <p>7 anticipate having any problems, Heather, but yeah,</p> <p>8 let's take question by question.</p> <p>9 BY MS. DONNELL:</p> <p>10 Q Okay. Okay. Well, so for purposes of this</p> <p>11 portion of my questioning, you are a Defendant in the</p> <p>12 ongoing lawsuit by Mr. Cayruth, that pertains to</p> <p>13 allegations of an unlawful strip search, among other</p> <p>14 allegations, correct?</p> <p>15 A Correct.</p> <p>16 Q Okay. And as you sit here today, you don't</p> <p>17 remember whether you were deposed in that action?</p> <p>18 A No. I don't remember the particulars about</p> <p>19 the incident.</p> <p>20 Q You don't -- I'm sorry. Thank you. So you</p> <p>21 don't remember the particulars of the strip search that</p> <p>22 Mr. Cayruth -- that's part of the subject of his</p> <p>23 lawsuit, correct?</p> <p>24 A Correct.</p> <p>25 Q Okay. Do you know the status of when that</p>	<p style="text-align: right;">Page 144</p> <p>1 Q Do you remember that you provided a statement</p> <p>2 in connection with that investigation?</p> <p>3 A I believe I did, yes.</p> <p>4 Q Okay. Did you review any of the</p> <p>5 documentations pertaining to Mr. Komanjo Cayruth's</p> <p>6 allegations against you to prepare for your deposition</p> <p>7 today?</p> <p>8 A No.</p> <p>9 Q Okay. Okay. How about -- let's look at the</p> <p>10 next lawsuit, Rutherford v. City of Mount Vernon. Are</p> <p>11 you familiar with the lawsuit that Mr. Rutherford and</p> <p>12 Mr. Gallman have filed against you, among other</p> <p>13 officers?</p> <p>14 A Rutherford?</p> <p>15 Q And Gallman.</p> <p>16 A Yes.</p> <p>17 Q Okay. And you know that lawsuit also involves</p> <p>18 allegations of an -- unlawful strip searches, correct?</p> <p>19 A Yes.</p> <p>20 Q Okay. How about the next one? Williamson v.</p> <p>21 City of Mount Vernon. And this is 15-CV-5635. And I</p> <p>22 think it's Terrell Williamson.</p> <p>23 MR. BUSHNELL: Tremel. T-R-E-M-E-L.</p> <p>24 THE WITNESS: Thank you. Tremel Williamson.</p> <p>25 Thanks, Steve.</p>
<p style="text-align: right;">Page 143</p> <p>1 case is going to trial?</p> <p>2 MR. BUSHNELL: Objection. You can answer, if</p> <p>3 you know.</p> <p>4 A I do not.</p> <p>5 Q Okay. Do you -- does it refresh your</p> <p>6 recollection if I say this trip search was alleged to</p> <p>7 occurred at the station and been videotaped? Does that</p> <p>8 refresh your recollection in any way?</p> <p>9 A No.</p> <p>10 MS. DONNELL: Okay. Okay. I'm going to --</p> <p>11 Steve, what I'm going to do is I'm going to leave</p> <p>12 the questions here and then -- well, let me see.</p> <p>13 Yeah, let's do this.</p> <p>14 BY MS. DONNELL:</p> <p>15 Q Okay. Do you remember that you were -- this -</p> <p>16 - Mr. Komanjo Cayruth filed a civilian complaint against</p> <p>17 you related to the strip search?</p> <p>18 A Do I remember if he filed a came against me?</p> <p>19 Q Correct.</p> <p>20 A I believe --</p> <p>21 Q Correct. Not a federal complaint. I mean a</p> <p>22 complaint with the Mount Vernon Police Department?</p> <p>23 A Yes. Civilian complaint?</p> <p>24 Q Yep.</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 145</p> <p>1 MR. BUSHNELL: Yep.</p> <p>2 BY MS. DONNELL:</p> <p>3 Q Are you familiar with this lawsuit Mr. Tremel</p> <p>4 Williamson has filed against you?</p> <p>5 A Yes.</p> <p>6 Q Okay. And are you familiar with the</p> <p>7 allegations that he has alleged against you?</p> <p>8 A Yes.</p> <p>9 Q And what were those?</p> <p>10 A Search.</p> <p>11 Q Okay. An unlawful search?</p> <p>12 A Unlawful search.</p> <p>13 Q Okay. how about number four, Collier v. City</p> <p>14 of Mount Vernon? 19-CV-5230. Are you familiar with the</p> <p>15 lawsuit against you and Officers Puff and King by Mr.</p> <p>16 Collier?</p> <p>17 A No.</p> <p>18 Q Okay. I'll represent to you that it has</p> <p>19 allegations of false arrest allegations. How about this</p> <p>20 -- I think it's Jonathan Long v. City of Mount Vernon,</p> <p>21 18-CV-9068. Are you familiar with this lawsuit against</p> <p>22 you?</p> <p>23 A No.</p> <p>24 Q And I'll represent to you that this involves</p> <p>25 an allegation of an unlawful strip search from June</p>

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1 2018. Does that refresh your recollection?
 2 A No.
 3 Q Do you, as you sit here today, have any memory
 4 of searching -- strip-searching Jonathan Long?
 5 A When?
 6 Q In 2018 -- June of 2018?
 7 A No.
 8 Q Do you know who Jonathan Long is?
 9 A Yes.
 10 Q Who is Jonathan Long?
 11 A Jonathan Long.
 12 Q Have you arrested him on more occasions before
 13 June 2018?
 14 A Once or twice.
 15 Q How many times have you strip-searched
 16 Jonathan Long?
 17 A Probably, once or twice.
 18 Q Have you obtained any weapons or contraband in
 19 your strip searches of Mr. Long?
 20 A I don't recall.
 21 Q How about for Mr. Komanjo Cayruth? You said
 22 you don't recall strip searching him at all?
 23 A I don't remember the particulars of the
 24 incident.
 25 Q Do you remember anything about it at all?

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1 MR. BUSHNELL: She's asking if you remember.
 2 BY MS. DONNELL:
 3 A The particulars of that incident?
 4 Q Correct.
 5 A Okay. I received information from a
 6 confidential source that Mr. Komanjo was in possess of
 7 contraband.
 8 Q What kind of contraband? Did the confidential
 9 informant tell you what kind of contraband?
 10 A Crack cocaine.
 11 (CONFIDENTIAL PORTION I REDACTED)
 12 Q Okay. We can go back on -- make the rest of
 13 this public. So you received information from a
 14 confidential informant that Mr. Komanjo Cayruth was in
 15 possession of crack cocaine; is that right?
 16 A That is right.
 17 Q And without disclosing the identity of the
 18 confidential informant, had you worked with that
 19 confidential informant in the past?
 20 A Multiple times.
 21 Q For what period of time, prior to the arrest
 22 of Komanjo Cayruth?
 23 MR. BUSHNELL: Objection. You can answer.
 24 Q I want to say, probably a year. Maybe two.
 25 A Okay. Okay. After -- how did you receive

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1 that information? Orally or by text?
 2 MR. BUSHNELL: Objection.
 3 Q How did you get the information from the CI?
 4 A Phone call.
 5 Q And what happened next?
 6 A I proceeded to act on that information that I
 7 received.
 8 Q What did you do?
 9 A I went to the location where Mr. Komanjo was
 10 located, detained him for further investigation, drove
 11 back to Mount Vernon headquarters, to the narcotics
 12 office, specifically. And he was found not to be in
 13 possession of any narcotics. He was released from that
 14 location without any incident. And I believe that --
 15 that incident was documented.
 16 Q And you believe that it was videotaped?
 17 A Can't recall.
 18 Q Okay. What was the basis of probable cause to
 19 arrest Mr. Cayruth?
 20 A He was not arrested. He was detained.
 21 Q What was the basis to detain Mr. Cayruth?
 22 A The confidential informant's information?
 23 Q Anything else, other than the confidential
 24 informant's information?
 25 A No.

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1 Q So based solely on the phone call from the
 2 confidential informant, you detained Mr. Cayruth,
 3 brought him into police custody, conducted a strip
 4 search of him, found no drugs or other contraband on
 5 this person, and then you released him?
 6 MR. BUSHNELL: Objection. You can answer.
 7 A Correct.
 8 Q Prior to your search of Mr. Cayruth on
 9 November 5, 2015, had you had any interactions with
 10 Mr. Cayruth?
 11 A I believe I had, maybe in -- not directly,
 12 possibly indirectly to somebody else -- to possibly a
 13 coworker.
 14 Q Who? What coworker?
 15 A I don't recall, but I -- he was, he was not a
 16 -- somebody that we weren't familiar with. We were
 17 familiar with Komanjo. Specifically, in the location
 18 where he was detained.
 19 Q When you're saying, "We" -- but I'm saying,
 20 did you personally have any interactions -- arrests or
 21 interactions with Komanjo Cayruth prior to November 5,
 22 2015?
 23 A I might have, or I might have not. I --
 24 Q You don't know either way?
 25 A Correct.

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1 Q You don't recall?

2 A I don't recall.

3 MR. BUSHNELL: So Camilo, if you don't recall,

4 just tell her you don't recall. All right.

5 THE WITNESS: All right.

6 MR. BUSHNELL: And that's all.

7 BY MS. DONNELL:

8 Q Did you tell Mr. Cayruth why he was being

9 detained?

10 A I don't recall. No.

11 Q Was Mr. Cayruth free to go?

12 A Yes.

13 Q Did -- could he have opted out of the strip

14 search? He could have said, no, I don't want to be

15 strip-searched?

16 MR. BUSHNELL: Objection. You can answer.

17 A I'm sorry. What -- I didn't -- your last

18 question, was he free to go prior to --

19 Q I'm saying priot -- you're saying he wasn't

20 arrested, but he wasn't free to go and he was

21 strip-searched. So I'm a little confused. Wasn't he

22 under your arrest --

23 A He was detained --

24 Q -- at the time he was stopped and

25 strip-searched?

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1 A Correct. So he was detained to further the

2 investigation.

3 Q All right. Did you have probable cause to

4 arrest him at the time that he was detained?

5 A I had probable cause to detain him to get the

6 information received, to see if it was active.

7 Q What was the basis for your justification to

8 conduct a strip search of Mr. Cayruth?

9 MR. BUSHNELL: Objection. You can answer.

10 A Information from the informant.

11 Q Had you done anything to independently verify

12 the confidential informant's information they gave you?

13 A Can you repeat the question to me?

14 Q Did you independently do anything -- did you

15 do anything, take any steps, to verify the information

16 that the confidential informant provided you before you

17 arrested Mr. Cayruth and then brought him in for a strip

18 search?

19 A Identify him at the location of where the

20 incident was taking place.

21 Q And what location was that?

22 A I believe it was East Prospect Avenue.

23 Q Okay. Was that search videotaped?

24 A I don't remember.

25 Q Okay.

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1 MS. DONNELL: Steve, can I just ask you a

2 question? If I want to show him documents from the

3 civilian investigation for the internal

4 investigation, do you want me to put it under

5 confidential?

6 MR. BUSHNELL: Yeah. I would appreciate that.

7 Thank you.

8 (CONFIDENTIAL PORTION II REDACTED)

9 Q Okay. Let's see. Mr. Tremel Williamson -- do

10 you know who Tremel Williamson is?

11 A Tremel Williamson?

12 Q Tremel Williamson? Yeah.

13 A Vaguely. Yes.

14 Q Who is he? What -- who -- what's your

15 understanding of Tremel Williamson?

16 A Individual that was arrested, I believe, on

17 this date.

18 Q On what date?

19 A Can't remember the date, but obviously he has

20 a lawsuit against me here, yeah?

21 Q Do you have any memory of conducting a strip

22 search of Mr. Tremel Williamson on January 20, 2015?

23 A Absolutely not.

24 MR. BUSHNELL: Well, can I clarify that? He

25 has no memory of it or did he conduct the search

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1 with him?

2 BY MS. DONNELL:

3 Q Do you have -- do you have -- well, let's

4 clarify. Were you pre -- were you present for the

5 arrest of Mr. Williamson?

6 A For the search warrant in his apartment? Yes.

7 Q Were you present for the strip search of him?

8 A I was not.

9 Q Okay. And who -- do you know who was?

10 A I don't remember. No.

11 Q Okay. Do you know who Officer Campo is?

12 A Officer Campo?

13 Q Yes.

14 A Yes.

15 Q Who's that? Was that one of the narcotics

16 officers with you in 2015?

17 A He was a part of the unit in 2015. Yes.

18 Q Okay. Do you have any information or

19 knowledge about Officer Campo's search of Tremel

20 Williamson?

21 A I do not.

22 Q Okay. How about Tyrone Govan? Do you know

23 who that is?

24 A Yes.

25 Q Who's Tyrone Govan?

<p style="text-align: right;">Page 154</p> <p>1 A Tyrone Govan.</p> <p>2 Q Yeah. How do you know him?</p> <p>3 A How do I know Tyrone Govan?</p> <p>4 Q Yes.</p> <p>5 A Because I -- I arrested him once in 2012. No</p> <p>6 --</p> <p>7 Q In 2012?</p> <p>8 A In 2012. Yes.</p> <p>9 Q Okay. Did you use excessive force when you</p> <p>10 arrested him in 2012?</p> <p>11 MR. BUSHNELL: Objection. You can answer.</p> <p>12 A No.</p> <p>13 Q You deny using any excessive force when you</p> <p>14 arrested Mr. Govan?</p> <p>15 A No.</p> <p>16 MR. BUSHNELL: Yeah -- no, as in you deny it?</p> <p>17 Or no --</p> <p>18 A No. I didn't use excessive --</p> <p>19 Q I'm sorry. I can clarify. Did you use</p> <p>20 excessive force when you arrested Mr. Govan?</p> <p>21 A No. I did not.</p> <p>22 Q Okay. Giles v. City of Mount Vernon. Do you</p> <p>23 know of this case?</p> <p>24 A What's the name?</p> <p>25 Q Just a second --</p>	<p style="text-align: right;">Page 156</p> <p>1 A Yes.</p> <p>2 Q Okay. How about the lawsuit against -- by</p> <p>3 Mr. King filed against you? Are you familiar with Kevin</p> <p>4 King?</p> <p>5 A I don't even know who this guy is.</p> <p>6 Q You don't know who that is. Okay. Okay. How</p> <p>7 about Henderson Clark? Do you know Henderson Clark?</p> <p>8 A Yes.</p> <p>9 Q How do you know Henderson Clark?</p> <p>10 A Henderson Clark was part of a -- an undercover</p> <p>11 operation, in which we utilized undercover officers to</p> <p>12 buy narcotics from him. Subsequently he was arrested</p> <p>13 and --</p> <p>14 Q Did you conduct a strip search of Mr. Clark?</p> <p>15 MR. BUSHNELL: Objection. You can answer.</p> <p>16 A I don't remember.</p> <p>17 Q Okay. Have you ever been disciplined for any</p> <p>18 of your conduct with the Mount Vernon Police Department?</p> <p>19 Have you ever had any kind of discipline imposed on you?</p> <p>20 A One.</p> <p>21 Q What was that?</p> <p>22 A I forgot to mention my shield number, while</p> <p>23 answering a phone call. So I received a written</p> <p>24 reprimand. Other than that, I've never received any</p> <p>25 discipline.</p>
<p style="text-align: right;">Page 155</p> <p>1 MR. BUSHNELL: It's Michael</p> <p>2 MS. DONNELL: Michael. Sorry. Thank you.</p> <p>3 MR. BUSHNELL: Okay. And, and I'll just --</p> <p>4 I'll just, you know, note that this is an ongoing</p> <p>5 case, but you can ask.</p> <p>6 BY MS. DONNELL:</p> <p>7 Q Do you know Michael Giles?</p> <p>8 A In that -- no. I do not. I just happened to</p> <p>9 meet him the day of this incident.</p> <p>10 Q Okay. Do you remember the day you met him?</p> <p>11 A Specifically? No.</p> <p>12 Q But you know who we're talking about?</p> <p>13 A Yes.</p> <p>14 Q Okay. Are you familiar with the allegations</p> <p>15 that Mr. Giles -- or Giles -- or Giles has lodged</p> <p>16 against you?</p> <p>17 A And what are those allegations?</p> <p>18 Q I'm asking you if you're (inaudible)?</p> <p>19 A No. I do not.</p> <p>20 Q The allegations pertained to an incident on</p> <p>21 July 19, 2018 at the Volunteers of America homeless</p> <p>22 shelter. Does that refresh your recollection?</p> <p>23 A Yes.</p> <p>24 Q And are you familiar with the lawsuit against</p> <p>25 you by Mr. Giles?</p>	<p style="text-align: right;">Page 157</p> <p>1 Q Do you recall when you received that written</p> <p>2 reprimand, or what it was pertaining to?</p> <p>3 A This was, I believe early 2012, right before I</p> <p>4 came off modified duty. So while I was modified, I was</p> <p>5 sitting in the front -- the front desk of the police</p> <p>6 headquarters. And it was -- I believe it was a busy</p> <p>7 day, so the phones were going crazy. So I stepped into</p> <p>8 the radio room to help out with the phone calls coming</p> <p>9 in. And as I answered the phone, I forgot to mention my</p> <p>10 shield number. And because of that, I got a written</p> <p>11 reprimand.</p> <p>12 Q Did this pertain to the -- your interactions</p> <p>13 with, I think it's Helena Edwards, Judge Edwards wife?</p> <p>14 A Yes. That's the one. Yes.</p> <p>15 Q Okay. And so to your knowledge, that's the</p> <p>16 only discipline you received, was when you were on</p> <p>17 modified duty, your interactions with Judge Edwards</p> <p>18 wife?</p> <p>19 A That is the only discipline I've received in</p> <p>20 my whole entire police career.</p> <p>21 Q Okay. And your understanding was the</p> <p>22 reprimand was just because you didn't give your badge</p> <p>23 number; is that right?</p> <p>24 A That is, I believe, the section that was</p> <p>25 written under the written reprimand that I signed.</p>

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1 Q Do you have knowledge of the allegations that
2 Ms. Edwards made against you?

3 A The allegations that -- so if I recall this
4 correctly, is that the -- the whole entire incident was
5 based on somebody else answering the phone. And when I
6 answered the phone, I didn't state my shield number.
7 Because the person that previously answered the phone
8 wasn't very cordial towards Mrs. Edwards. So when I
9 went into the radio room to help out, I answered a phone
10 call that, you know, she had called. And when I -- when
11 I answered, I didn't say my shield number. So my
12 understanding is that when they went back to listen to
13 the whole entire conversation, they -- they heard me not
14 say my shield number. And that's why -- I got written
15 up for.

16 Q Okay. In the -- all the citizen -- do you
17 know how many total citizen complaints have been filed
18 against you in your work as a Mount Vernon police
19 officer?

20 A No. I do not.

21 Q Is there any documentation that you have as an
22 employee that would inform you how many complaints have
23 been made against you?

24 A I'm sure there's a di -- disciplinary file
25 that's kept within the Mount Vernon Police Department of

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1 my personal records. But as far as the number of how
2 many civilian complaints I received, no, I don't.
3 Specifically, no. I do not.

4 Q And do you think that the complaints are kept
5 in your personal file or a disciplinary file?

6 A I --

7 MR. BUSHNELL: Objection. You can answer.

8 A I believe it's a disciplinary file.

9 Q Okay. Have you ever seen it?

10 A I -- I requested to see it about a year ago.

11 Q Why did you request to see it a year ago?

12 A Because I was curious to see what was in that
13 file.

14 Q Did they show it to you?

15 A Yes. I saw what was in the file.

16 Q Where did you look at it? Did you get to take
17 it home with you or did you have to look at the station?

18 A No. In the police station.

19 Q And why -- why were you curious to see what
20 was in your file?

21 MR. BUSHNELL: Objection. You can answer.

22 A When you get all these -- you know, weird
23 civilian complaints, you kind of want to see -- you
24 know, I was just curious.

25 Q And were you able to read the civilian

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1 complaints that were in your file at that time?

2 A No. No.

3 Q Why not?

4 A I wasn't so much interested in reading all the
5 specifics of the civilian complaints.

6 Q What office did you go to, to get the file?

7 MR. BUSHNELL: Objection. You can answer.

8 A The office of personnel.

9 Q So it was in the personnel department?

10 A Yes.

11 Q Okay. Do you remember whose office your file
12 -- disciplinary file was in?

13 MR. BUSHNELL: Objection. You can answer.

14 A Personnel file -- personnel office.

15 Q But which employee gave you the file -- that
16 got the file and give it to you?

17 MR. BUSHNELL: Objection. You can answer.

18 A Lieutenant Gregory Addison.

19 Q Okay. So you went in one day and said, hey,
20 can I look at my disciplinary file? And Lieutenant
21 Gregory Addison gave it to you and said, yeah, you can
22 read it. Here it is?

23 A No. You have to put in a request.

24 Q What kind of request? Like a written request?

25 A You have to put in a written request to see

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1 your disciplinary -- whole personnel files, which
2 everything is all in -- I believe they give you
3 everything. And you are allowed to review it in front
4 of -- which that's how I did it, in front of Lieutenant
5 Addison.

6 (CONFIDENTIAL PORTION III REDACTED)

7 VIDEOGRAPHER: Yeah. Absolutely. We are going
8 off the record at 2:25 p.m.

9 (OFF THE RECORD)

10 VIDEOGRAPHER: We are back on the record at
11 2:34 p.m.

12 BY MS. DONNELL:

13 Q Okay. All right. Detective Antonini, I'm
14 going to ask you about the incident subject to
15 Mr. Seward's lawsuit from November 7, 2017. Okay?

16 A Okay.

17 Q Earlier today you testified that you do not
18 have independent recollection of any of the events,
19 other than those you reviewed in the police report or in
20 the video, is that still true?

21 A Yes.

22 Q Okay. Do you have a memory, other than what
23 you observed and listened to in the video recording, of
24 conducting a search warrant of 156 South First Avenue on
25 November 7, 2017?

<p style="text-align: right;">Page 162</p> <p>1 A Yes. I have no recollection of that incident.</p> <p>2 Q Okay. Do you have a recollection of anything</p> <p>3 you did during your shift that you worked on</p> <p>4 November 7, 2017? Do you know any other arrests you did</p> <p>5 -- any other search warrants you effected?</p> <p>6 A No.</p> <p>7 Q Okay. Did you have any interactions with my</p> <p>8 client Alan Seward prior to your encounter with him on</p> <p>9 November 7, 2017?</p> <p>10 MR. BUSHNELL: Objection. You can answer.</p> <p>11 A I don't remember.</p> <p>12 Q So your testimony is you don't remember having</p> <p>13 any interactions with Alan Seward, prior to your</p> <p>14 interactions on November 7, 2017; is that right?</p> <p>15 MR. BUSHNELL: Objection. You can answer.</p> <p>16 A Correct.</p> <p>17 Q Okay. So for example, you don't ever remember</p> <p>18 stopping him prior to November 7, 2017?</p> <p>19 A Correct.</p> <p>20 Q You don't have any prior arrests that you</p> <p>21 recall of Mr. Seward prior to November 7, 2017?</p> <p>22 MR. BUSHNELL: Objection. Go ahead.</p> <p>23 A I don't remember. No.</p> <p>24 Q Okay. Had you ever conducted any searches of</p> <p>25 Mr. Seward prior to November 7, 2017?</p>	<p style="text-align: right;">Page 164</p> <p>1 Q Who do you remember being there?</p> <p>2 A Bobby Puff, Joseph Valente, Patrick King,</p> <p>3 Sergeant Fegan, I believe Lieutenant Quinoy -- or</p> <p>4 Sergeant Quinoy at the time. That's to the extent. Yes.</p> <p>5 Q And all of the individuals you just listed,</p> <p>6 those are members of the narcotics unit back in November</p> <p>7 2017?</p> <p>8 A No.</p> <p>9 Q Oh, some of them were police officers; is that</p> <p>10 right? Patrol?</p> <p>11 A Sergeant Quinoy -- or Lieutenant Quinoy at the</p> <p>12 time, he was not part of the narcotics unit.</p> <p>13 Q What division was he part of?</p> <p>14 A Patrol division.</p> <p>15 Q Do you know -- do you have an understanding</p> <p>16 why Sergeant Quinoy was present?</p> <p>17 A No.</p> <p>18 Q Was there -- you know I should -- didn't ask</p> <p>19 you this earlier, but when you started on your shift</p> <p>20 with the narcotics unit, would there usually be a</p> <p>21 briefing at the beginning of each shift?</p> <p>22 A No.</p> <p>23 Q Would you all meet at the department, and then</p> <p>24 go out, and do various assignments?</p> <p>25 A We all showed up at the time we're supposed to</p>
<p style="text-align: right;">Page 163</p> <p>1 MR. BUSHNELL: Objection. Go ahead.</p> <p>2 A No. I don't remember.</p> <p>3 Q I think I asked you this, but do you know how</p> <p>4 many calls, or investigations, or arrests, or search</p> <p>5 warrants you did prior to your interactions with</p> <p>6 Mr. Seward on your shift on November 7, 2017?</p> <p>7 A No.</p> <p>8 Q So do you, as you sit here today, have a</p> <p>9 memory of going out to 156 South First Avenue on</p> <p>10 November 7th?</p> <p>11 A No. I don't.</p> <p>12 Q You have no independent memory?</p> <p>13 A No. I don't.</p> <p>14 Q Okay. Having read the reports that you</p> <p>15 reviewed and looking at the video you looked at prior to</p> <p>16 your deposition, do you now know that you went out to</p> <p>17 156 South First Avenue on November 7, 2017?</p> <p>18 A Yes.</p> <p>19 Q Okay.</p> <p>20 A Yes.</p> <p>21 Q Do you know what officers were with you from</p> <p>22 the narcotics unit at the initial search of 156 South</p> <p>23 First Avenue?</p> <p>24 A I remember a few of the officers that were</p> <p>25 there.</p>	<p style="text-align: right;">Page 165</p> <p>1 show up for work and then everybody goes about their</p> <p>2 daily routine.</p> <p>3 Q How would you decide what you would go about?</p> <p>4 Would you be given assignments from the sergeant in</p> <p>5 charge?</p> <p>6 A It could be that you have some, you know,</p> <p>7 ongoing investigation into, you know, certain cases that</p> <p>8 you have to look up or follow up with. You know,</p> <p>9 everybody had their own cases or investigations going on</p> <p>10 at the time.</p> <p>11 Q Do you remember what cases or investigations</p> <p>12 you had going on in November 2017?</p> <p>13 A No.</p> <p>14 Q Was the search warrant that was executed on</p> <p>15 November 7, 2017, was that part of your case or is that</p> <p>16 one of your fellow officer's cases?</p> <p>17 A It was not my case, no.</p> <p>18 Q Okay. Was it Bobby Puff's case?</p> <p>19 A I believe so.</p> <p>20 Q Okay. Why do you believe so?</p> <p>21 A Because I think it was his name on the</p> <p>22 application for the search warrant. Okay.</p> <p>23 COURT REPORTER: Mr. Seward is in the waiting</p> <p>24 room.</p> <p>25 MS. DONNELL: Okay. Let's see if we can let</p>

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1 him in, we don't have to go off the record, just see
2 if we can get him in. Thanks. Hi, Mr. Seward. I
3 will let the record reflect that the plaintiff Alan
4 Seward is now present on the Zoom. Mr. Seward, I'm
5 going to make sure you can hear us. Can you let us
6 know you can hear us?

7 COURT REPORTER: It says he's still connecting
8 to the audio, so he can't hear you.

9 MS. DONNELL: Okay. Since this looks like it
10 might take a minute, let's go off the record.
11 Sorry, maybe we hear -- Mr. Seward, can you hear us
12 now? Okay. Let's go off the record then.

13 VIDEOGRAPHER: All right. We are off the
14 record at 2:42 p.m.

15 (OFF THE RECORD)

16 VIDEOGRAPHER: All right, we're back on the
17 record at 2:46 p.m.

18 BY MS. DONNELL:

19 Q Okay. Oh, okay, so I think I was asking you
20 questions pertaining this case. And you said that it
21 was your understanding that this was Bobby Puff's case
22 because he had sworn the affidavit for the search
23 warrant, is that your testimony?

24 A Yes.

25 Q Okay. Do you have any information -- or did

Page 167

1 you have any conversations with Officer Puff about the
2 information he had obtained to get the search warrant?

3 A No.

4 Q Before you went out to execute the search
5 warrant at 156 South First Avenue on November 7, 2017,
6 had there been a briefing on the search warrant?

7 A Prior to executing the search warrant?

8 Q Yes.

9 A Yes. I don't recall, but yes. Always -- we
10 always have a meeting prior to executing.

11 Q So is it your testimony that you do not have
12 an actual memory of the briefing prior to executing this
13 search warrant, but you know that prior to executing any
14 search warrant there would be a briefing before
15 executing it?

16 A Yes.

17 Q Okay. But as you sit here today, you have no
18 memory of any of the information that was provided at a
19 briefing, if it occurred, prior to going to 156 South
20 First Avenue on November 7, 2017; is that correct?

21 A Yes.

22 Q I'm sorry, what did you --

23 A Correct. Yes.

24 Q Thank you. Okay. Do you, as you sit here
25 today, know the confidential informant that Officer Puff

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1 relied on to make the affidavit for his search warrant?

2 MR. BUSHNELL: Objection.

3 A No. I do not.

4 Q Do you recall what you were wearing on
5 November 7, 2017 when you were on duty?

6 A No. I do not.

7 Q Okay. Do you have a memory of what time the
8 search warrant was conducted?

9 A No. I do not.

10 Q Do you have an independent memory of any
11 narcotics being obtained from the apartment that you
12 searched?

13 A I don't recall.

14 Q Did you -- so earlier today you said you were
15 the one operating the video recording that you viewed;
16 is that right?

17 A Yes.

18 Q Was that -- did you -- how was it determined
19 on any particular day, who was going to operate the
20 video camera? Is that something you typically did, or
21 you guys shared responsibilities?

22 A Shared responsibilities.

23 Q So sometimes it was you, sometimes it was
24 another officer?

25 A Correct.

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1 Q And was there any particular reason, like
2 would Sergeant Fegan say, you do the video today?
3 Somebody else -- was he one that determined who did the
4 video or some other method?

5 A I want to say because I was in the apartment
6 at the time with Sergeant Fegan and nobody else was
7 there.

8 Q Okay. So when you were operating the video,
9 it was only you and Sergeant Fegan present in the
10 apartment?

11 A I don't recall specifically who was there at
12 the time, but he was there, and I was there.

13 Q Okay. Did you go to the Bungalow Bar at some
14 point after going to 156 First Avenue?

15 A No. I did not.

16 Q It's your testimony that you never left the
17 apartment on November 7, 2017 -- I mean -- sorry, let me
18 start that again. Is it your testimony that you never
19 went to the Bungalow Bar on November 7, 2017?

20 A That is correct.

21 Q Okay. Do you have knowledge about who went to
22 the Bungalow Bar?

23 A Sergeant Quinoy at the time. I know Puff
24 went. Anybody else from there, I can't -- don't recall.

25 Q How do you know Sergeant Quinoy and Officer

Page 170

1 Puff went to the Bungalow Bar?

2 A Because a supervisor had to stay in the

3 apartment at the time and it was Sergeant Fegan with me

4 in the apartment.

5 Q Okay. Did you take any photographs inside the

6 apartment or did you just video tape?

7 A I don't recall taking photographs. No.

8 Q Tell me everything you recall doing in the

9 apartment?

10 A Video recording.

11 Q What did you video record?

12 A The apartment.

13 Q Why were you recording?

14 A To show the apartment pre-search and I believe

15 post-search.

16 Q So it's your testimony that you video recorded

17 the apartment before it was searched and after it was

18 searched?

19 MR. BUSHNELL: Objection. Go ahead.

20 A Yes.

21 Q Do you have an independent recollection of

22 children being present at the apartment?

23 A I don't remember who was inside the apartment

24 at the time. No.

25 Q Do you recall how many officers first went to

Page 171

1 the apartment, other than yourself and Sergeant Fegan?

2 A No.

3 Q Do you remember any evidence that was found at

4 the apartment?

5 A No.

6 Q So you have no recollection of any of the

7 evidence that was obtained pursuant to the search

8 warrant, is that your testimony?

9 A Yes.

10 Q How long were you present at 156 South First

11 Avenue?

12 A I don't remember how long we were in the

13 apartment for. No.

14 Q Were you present in the apartment when

15 Mr. Seward was brought to the apartment?

16 A I don't remember that. No.

17 Q You have no memory of the plaintiff Alan

18 Seward being brought to 150 -- I'm sorry, 156 South

19 First Avenue?

20 A That is correct.

21 Q Okay. Were you and Sergeant Fegan -- well,

22 just let me step back. Just generally, how did

23 narcotics officers communicate with one another when you

24 were on duty? Did you use your cellphones, radio,

25 anything else?

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1 A How we communicate with each other when we

2 were facing each other?

3 Q When you're on duty -- no, I'm sorry. Could

4 you communicate with each other when you were in

5 separate cars? Would you call each other on your

6 cellphones? Or how did you communicate with each other

7 when you weren't face-to-face?

8 A We use our cellphones.

9 Q Were they department-issued cellphones?

10 A No. Our regular cellphone.

11 Q Like your personal cellphone?

12 A Yes.

13 Q What was your cellphone number that you used

14 in November 2017?

15 MR. BUSHNELL: Objection.

16 Q Is it the same number you use now?

17 A That I used on November '17 to do what?

18 Q You said you communicated with other narcotics

19 officers on your cellphones, correct?

20 MR. BUSHNELL: Objection. Can I provide that

21 to you without Plaintiff being on -- putting that on

22 the record?

23 MS. DONNELL: Sure. Yeah, we can get that in

24 just a minute.

25 BY MS. DONNELL:

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1 Q But I want to know -- let me just ask you

2 this. Did you, Detective Antonini, when you were on

3 duty and you wanted to communicate with one of the other

4 narcotics officers who wasn't in the car with you, let's

5 say you're driving to execute a search warrant, would

6 you talk to each other on your cellphones?

7 A We have a department issue at the time, Direct

8 Connect cellphone.

9 Q Okay.

10 A Okay. So if that cellphone was not working at

11 the time, we resort to using our own personal phones

12 just to call each other.

13 Q Okay.

14 A Very rarely we use our department radio, in

15 order to avoid, you know, everybody else in the

16 department to hear what we were talking about.

17 Q So it sounds like as a narcotics officer, if

18 you wanted to communicate with your other fellow

19 officers who weren't physically present with you, you

20 would have a Direct Connect cellphone that was issued by

21 the department as one option?

22 A Correct.

23 Q And if that equipment wasn't working for

24 whatever reason, you had each other's personal cellphone

25 numbers and you could call and talk to each other?

Page 174

1 A Correct.

2 Q And you could also text one another on your

3 personal cellphones?

4 A Yes.

5 Q Could you text each other on the Direct

6 Connect cellphones?

7 A Can we text --

8 Q Could you -- do you text on the Direct Connect

9 cellphones?

10 A Yes, you could text.

11 Q Okay. Did the Direct Connect cellphones work

12 very well? Were they frequently operational?

13 A I don't recall. It's hard to say. Sometimes

14 the weather would make them go crazy, sometimes they

15 were working. Depending on the signal -- the strength

16 of the signal, if it worked.

17 Q Is it fair to say that you more frequently

18 just ended up using your cellphones because it worked

19 more reliably?

20 MR. BUSHNELL: Objection. Go ahead.

21 A Yes and no.

22 Q Do you know if on this date, November 7, 2017,

23 you were using the Direct Connect cellphone or your

24 personal cellphone to communicate with your fellow

25 officers?

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1 A On that specific day?

2 Q Correct.

3 A No. I don't remember -- I don't remember how

4 we communicated that day.

5 Q Okay. The cellphone number that you have

6 today, your personal cellphone number, was that the same

7 number that you had back on November 7, 2017?

8 A Yes.

9 MS. DONNELL: Okay. Steve, I'll ask you for

10 that, but I won't do it right now on the record,

11 okay?

12 MR. BUSHNELL: Yeah. Anything in writing.

13 Thanks.

14 BY MS. DONNELL:

15 Q Okay. All right. So do you recall whether

16 you and Sergeant Fegan were in communication with

17 Sergeant Quinoy and Officer Puff, while they were at the

18 Bungalow Bar?

19 A I don't recall. No.

20 Q Okay. So you don't recall whether or not you

21 were receiving information from them about what was

22 going on at the Bungalow Bar; is that correct?

23 A That is correct.

24 Q Okay. And you have no memory one way or the

25 other, as you sit here today, about Officer Puff and

Page 176

1 Sergeant Quinoy returning to the apartment; is that

2 right?

3 A That is correct.

4 Q Okay. Do you recall learning at any point any

5 of the -- what happened at the Bungalow Bar -- sorry,

6 that's not a very good question. On November 7, 2017,

7 at any point do you remember receiving information from

8 one of your fellow officers about what they said

9 transpired at the Bungalow Bar?

10 A No.

11 Q Do you, as you sit here today, have any memory

12 of interacting with my client Alan Seward on

13 November 7, 2017 in any capacity?

14 A No.

15 Q Did you talk to him at the police station

16 after he was arrested?

17 A No.

18 Q Did you -- were you present for a strip search

19 of Mr. Seward at 156 South First Avenue?

20 A No.

21 Q Were you present for a strip search of

22 Mr. Alan at the station?

23 A I don't recall anymore.

24 Q I'm sorry, Mr. Seward. I said Mr. Alan. I

25 apologize, Mr. Seward. Were you present for

Page 177

1 Mr. Seward's arrest at the Bungalow Bar?

2 A No.

3 Q Did you -- do you deny strip searching

4 Mr. Seward at the Bungalow Bar?

5 A I was never at the Bungalow Bar.

6 Q Never at the Bungalow. Okay. Did you, at any

7 point on November 7, 2017, strike Mr. Seward in the

8 face?

9 A Absolutely not. No.

10 Q Okay. Did you ever have a conversation with

11 Mr. Seward, in which you asked him to become a

12 confidential informant for you?

13 A No.

14 Q You deny that happened?

15 A Can you repeat that?

16 Q You deny that happened?

17 A It did not happen. No.

18 Q Okay. So you're saying you deny that

19 happened, correct?

20 A It did not happen. No.

21 Q Okay. I'm going to have you look at exhibits

22 -- which one? Just a second. I can figure out how to

23 play it --

24 MR. BUSHNELL: What exhibit is it?

25 MS. DONNELL: I'm not sure just yet. I need to

<p style="text-align: right;">Page 178</p> <p>1 get my computer back up. Just a second.</p> <p>2 MR. BUSHNELL: No worries.</p> <p>3 BY MS. DONNELL:</p> <p>4 Q Let's see. Exhibit 9. Okay. Detective</p> <p>5 Antonini, do you have what I've previously designated as</p> <p>6 Exhibit 9 to your deposition?</p> <p>7 (EXHIBIT 9 MARKED FOR IDENTIFICATION)</p> <p>8 A Yes.</p> <p>9 Q And this is a two page document that's a, "New</p> <p>10 York State incident report"?</p> <p>11 A Okay.</p> <p>12 Q Is that right?</p> <p>13 A Yes.</p> <p>14 Q Is this one of the reports that you reviewed</p> <p>15 in preparation for your deposition today?</p> <p>16 A Yes.</p> <p>17 Q Okay. And let's see, do you recognize the</p> <p>18 reporting officer's signature as Officer Puff's</p> <p>19 signature down at the bottom left hand in box 78?</p> <p>20 A Yes.</p> <p>21 Q And do you recognize Sergeant Fegan's</p> <p>22 signature in box 80 as the --</p> <p>23 A Yes.</p> <p>24 Q Okay. And you'll see this is dated November</p> <p>25 7, 2017, is the date of the incident, right?</p>	<p style="text-align: right;">Page 180</p> <p>1 7, '17', 2002 is the report time. Occurrence from and</p> <p>2 to, so the whole incident happened between 1945 and</p> <p>3 8:25. So between that gap is where the incident took</p> <p>4 place.</p> <p>5 Q Got it. And for this, the incident refers to</p> <p>6 the search at 156 South First Avenue?</p> <p>7 A Yes.</p> <p>8 Q Okay. So you see here, and this is -- you</p> <p>9 understand this to be Officer Puff who filled out this</p> <p>10 incident report; is that right?</p> <p>11 A Correct.</p> <p>12 Q Okay. And Officer Puff indicated that at</p> <p>13 above date and time, "The narcotics unit along with</p> <p>14 Sergeant Quinoy, Police Officer Hutchins, Salazar and</p> <p>15 Palmer conducted a search warrant signed by the</p> <p>16 Honorable Adrian Armstrong at 156 South First Avenue,</p> <p>17 Apartment 4N," as in Nancy. Do you see that?</p> <p>18 A Yes.</p> <p>19 Q It says, "Upon making entry, we encountered</p> <p>20 four children." Does that refresh your recollection</p> <p>21 that there were four children present in the apartment</p> <p>22 4N when you went there?</p> <p>23 A No.</p> <p>24 Q There's three females in the back bedroom? Do</p> <p>25 you see that?</p>
<p style="text-align: right;">Page 179</p> <p>1 A Yes.</p> <p>2 Q And let's see, the time -- the report time is</p> <p>3 2002, right?</p> <p>4 A Yes.</p> <p>5 Q What does the report time mean to you in box</p> <p>6 nine of an incident report?</p> <p>7 A What is the what? Sorry.</p> <p>8 Q What is the report time? Is that when the</p> <p>9 report's being created?</p> <p>10 A 2002. The report time. Yes.</p> <p>11 Q Okay. And 1945 is what? The time --</p> <p>12 A When the call was made to the radio -- radio</p> <p>13 room.</p> <p>14 Q But this was a search warrant, right?</p> <p>15 A Correct.</p> <p>16 Q So there wasn't a call to the radio? Or what</p> <p>17 was that? What do you mean?</p> <p>18 A The call would have made to the radio room</p> <p>19 once the entry was made into the --</p> <p>20 Q I see. Got you. Okay. And so then there's a</p> <p>21 couple other times, there's time 12 and time 15 -- box</p> <p>22 12 and box 15. What are those times?</p> <p>23 A What?</p> <p>24 Q You see at the top after the date?</p> <p>25 A So it says -- so the report date is November</p>	<p style="text-align: right;">Page 181</p> <p>1 A Yes.</p> <p>2 Q Okay. And the females were identified as</p> <p>3 Sheila Blakey Holley, H-O-L-L-E-Y, correct?</p> <p>4 A Yes.</p> <p>5 Q Is that right? Nakia Brabham?</p> <p>6 A Brabham?</p> <p>7 Q Brabham, sorry, Brabham. Thank you. And</p> <p>8 Shania [sic] Riddenhour, right?</p> <p>9 A Shania Riddenhour.</p> <p>10 Q Shania. Okay. Do you any of those three</p> <p>11 individuals?</p> <p>12 A No.</p> <p>13 Q I'm sorry. Did you know them in November</p> <p>14 2017?</p> <p>15 A No.</p> <p>16 Q Were any of those three individuals Officer</p> <p>17 Puff's confidential informants to your knowledge?</p> <p>18 MR. BUSHNELL: Objection.</p> <p>19 A I can't -- I don't know.</p> <p>20 Q You don't know? Okay. So then it says --</p> <p>21 okay. So it says that those three females were located</p> <p>22 in the back bedroom, right?</p> <p>23 A Ask that question again. Sorry.</p> <p>24 Q I'm sorry. I was reading that -- I was</p> <p>25 repeating that "Upon making entry, we encountered four</p>

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1 children in the living room and three females, AP1, AP2,
2 and AP3 in back bedroom," right?
3 A That's what the report says. Yes.
4 Q Okay. And you have no independent
5 recollection of this, right?
6 A Correct.
7 Q So you have no way to confirm or deny whether
8 what Officer Puff has put here is accurate, correct?
9 A Correct.
10 Q Okay. And then Officer Puff goes on to write,
11 "A search of the apartment yielded one ceramic plate
12 with cocaine residue, two razor blades with cocaine
13 residue, and a digital scale on top of the wall cabinets
14 in the kitchen." Do you see that?
15 A Yes.
16 Q But you have no independent recollection of
17 search to confirm or deny that evidence being found in
18 the apartment, correct?
19 A Correct.
20 Q Okay. Then it says, "Mr. Seward was not in
21 the apartment at the time," right?
22 A Correct.
23 Q And then Officer Puff writes, "I then received
24 information that Mr. Seward was at the Bungalow Bar
25 located at 523 South Fulton Avenue." Do you see that?

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1 A I do.
2 Q Do you know who provided the information that
3 I've just read in Officer Puff's report to Officer Puff?
4 A I do not. This report is written by Officer
5 Puff, correct?
6 Q That's my understanding. Do you have a memory
7 of there being information provided while you all were
8 at the house, at the apartment?
9 A I don't recall any.
10 Q Do you know how Officer Puff was receiving
11 information when he was at the apartment?
12 A I don't.
13 Q Were there undercover officers at the Bungalow
14 Bar to your knowledge?
15 A I can't say. I wasn't there.
16 Q Do you know if the confidential informant that
17 Officer Puff was relying on was at the Bungalow Bar?
18 A Can you repeat the question again?
19 MR. BUSHNELL: No. And we can -- and Heather,
20 sorry to interrupt real quick. Anything that would
21 go towards, you know, ascertaining the identity of a
22 confidential informant should be marked confidential
23 under seal and not asked in the presence of
24 Plaintiff.
25 MS. DONNELL: Well, I'm not asking about the

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1 identity. I'm just asking if the person was there,
2 but if you want that question under seal --
3 MR. BUSHNELL: I'm not going to direct him not
4 to answer that. I'm just saying, you asked before
5 if any of those three women were the CI --
6 MS. DONNELL: Oh, I see. I'm sorry.
7 MR. BUSHNELL: I would just appreciate --
8 MS. DONNELL: Sure. Thank you for reminding
9 me. Yeah. That's fair. I'm sorry. I won't ask
10 the identity. Okay. Unless we put under seal and I
11 asked Mr. Seward to leave. Understood.
12 BY MS. DONNELL:
13 Q Okay. This part that Officer Puff wrote, "I
14 then received information that Mr. Seward was at the
15 Bungalow Bar," you have no knowledge about who provided
16 that information, correct?
17 A No knowledge. No.
18 Q Okay. And then it says, "Sergeant Fegan,
19 Detective Antonini, PO Salazar, and PO Palmer remained
20 in the apartment." Do you see that?
21 A Yes.
22 Q Okay. Do you know Police Officer Salazar and
23 Police Officer Palmer?
24 A Salazar, I have no idea who that is. And
25 Palmer, I believe she just transferred out of the Mount

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1 Vernon to go to another department.
2 Q Okay. Officer Puff wrote, "Sergeant Quinoy,
3 PO King, PO Hutchins, PO Valente, and myself responded
4 to the Bungalow Bar to investigate." Do you see that in
5 Exhibit 9?
6 A Yes.
7 Q Okay. And this part you're saying you weren't
8 present for, correct?
9 A Correct.
10 Q Okay. So I want to call -- so anything that
11 Officer Puff wrote about what transpired at the Bungalow
12 Bar, your testimony is you had no knowledge of, correct?
13 A Correct.
14 Q Okay. I'm going to call your attention to the
15 bottom paragraph under, "Additional narrative." Do you
16 see this? Where it says, "Mr. Seward was transported
17 from the Bungalow Bar to 156 South First Avenue,
18 Apartment 4N." Do you see that?
19 A Yes.
20 Q Does that refresh your recollection that
21 Mr. Seward was brought back to 156 South Avenue,
22 Apartment 4N while you were still there?
23 A No.
24 Q Okay. And so that has not refreshed your
25 recollection in any way, as to Mr. Seward being in the

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1 apartment with you on November 7, 2017, correct?

2 A Correct.

3 Q Okay. Okay. It says then that, "There were

4 no further narcotics found in the apartment. It was

5 turned over to the lessee, Ms. Thompson at approximately

6 2110 hours." Do you see that -- do you see that?

7 A Yes.

8 Q Okay. And "At the conclusion of the search,

9 Mr. Seward was transported to the MYPD, and booked by

10 Detective Sergeant Fegan on the above charges." Do you

11 see that?

12 A Yes.

13 Q Were you involved in booking or -- I'm sorry,

14 were you involved in transporting Mr. Seward back to the

15 police department?

16 COURT REPORTER: Ms. Donnell, I'm sorry to

17 interrupt. I'm sorry to interrupt. I did not catch

18 that question. I think there was internet lag.

19 MS. DONNELL: I am so sorry. Thanks for

20 letting me know.

21 BY MS. DONNELL:

22 Q I asked, did you transport Mr. Seward back to

23 the police department?

24 A I don't recall. No.

25 Q Meaning you could have, you don't recall one

Page 187

1 way or the other, correct?

2 Q I don't recall.

3 A Right. Meaning you could have, you just don't

4 recall one way or the other, right?

5 MR. BUSHNELL: Objection, guys.

6 A I don't recall.

7 Q Okay. Well then, it's possible that you did

8 transport him, you just don't recall, correct?

9 A And possible that I didn't.

10 Q Okay. Did you have any information about

11 Mr. Seward in any of his -- well, strike that. Prior to

12 going to the apartment on November 7, 2017, to execute

13 the search warrant, were you provided any information

14 pertaining to Mr. Seward's arrest record or criminal

15 history; if you recall?

16 A No. No. I don't recall, ma'am.

17 Q Prior to going to execute the search warrant

18 at 156 South First Avenue, were you provided any

19 information about any prior searches of Mr. Alan Seward

20 that you recall?

21 A No. I don't recall.

22 MS. DONNELL: Okay. I'm going to have you look

23 at Exhibit 11. Do you have Exhibit 11, Steve, for

24 the witness?

25 (EXHIBIT 11 MARKED FOR IDENTIFICATION)

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1 MR. BUSHNELL: I should, yeah. One second.

2 MS. DONNELL: Let me know when you've got it.

3 I'm sorry. Do you have Exhibit 11 now?

4 MR. BUSHNELL: Yeah. Sorry --

5 BY MS. DONNELL:

6 Q I'm sorry. I was waiting for you guys. Okay.

7 Detective Antonini, I have in front of you what I've

8 previously designated is Exhibit 11 to your deposition,

9 which is a felony complaint arrest warrant for the "City

10 Court, City of Mount Vernon, County of Westchester,"

11 for, "MV case number 17-4539." Do you recognize your

12 signature on this felony complaint?

13 A I do.

14 Q Okay. And is it -- you signed this on April

15 24, 2018?

16 A Yes.

17 Q Okay. And it says this is a felony complaint

18 against Mr. Alan Seward, correct?

19 A Yes.

20 Q Okay. And what information did you -- well,

21 do you remember swearing out this complaint -- I'm

22 sorry, this arrest warrant?

23 A This arrest warrant?

24 Q Yeah.

25 A No. I don't remember right now.

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1 Q Okay. Do you remember what information you

2 obtained before you prepared it?

3 A The information that was given to me by

4 Officer Puff to go and file to the District Attorney's

5 Office.

6 Q Uh-huh.

7 A Specific if I remember the details. No. I do

8 not.

9 Q So is it your testimony that the information

10 that you used to out this arrest warrant you obtained

11 from Officer Puff; is that right?

12 MR. BUSHNELL: Objection. You can answer.

13 A No. I don't remember it specifically. No.

14 Q I'm saying that the information, did you --

15 what did you do to get the information --

16 A You have to come a little closer to the mic --

17 Q I'm sorry. What did -- what did you do to get

18 the information before you swore out the felony

19 complaint?

20 A This is of the information that was provided

21 to the assistant district attorney. Yeah. Allow me to

22 explain?

23 Q Yeah, please.

24 A All right. So in some instances, there's been

25 situations where the arresting officer or the case

Page 190

1 detective cannot respond to the District Attorney's
2 Office, in order to file the charges for the individual.
3 So in cases like this, they'll ask somebody if they
4 could go upstairs to the District Attorney's Office and
5 file the charges for that individual. So the fact that
6 my signature is in this here felony complaint, not
7 necessarily means that I filed the charges specifically
8 for Alan Seward. Other than I provided the information
9 given to me, to the District Attorney's Office, in order
10 to file the charges for Alan Seward. So my signature
11 pretty much validates.

12 MR. BUSHNELL: And Heather, you might be
13 getting confused too, if I may at this point. Did
14 you read through this? I think this relates to a
15 different incident based on what I'm reading here in
16 the information section.

17 MS. DONNELL: Yeah. Well, I think it's part of
18 the -- that gets re -- like a revised one. But I
19 think there's some mistakes in it. Yeah. I mean, I
20 think the date's wrong.

21 MR. BUSHNELL: So --

22 MS. DONNELL: I don't want to -- I want to ask
23 the witness questions about it.

24 MR. BUSHNELL: Yeah, of course. Of course. I
25 just wanted to make sure he knows what's he looking

Page 191

1 at.

2 MS. DONNELL: So let me do that. Yeah. But I
3 don't want coach the witness --

4 BY MS. DONNELL:

5 A Just so -- look this over. So this felony
6 complaint has nothing to do with the incident that
7 happened on November -- what, 7th with Detective Puff.
8 This felony complaint is a totally different complaint
9 than the incident that happened with Detective Puff and
10 Alan Seward's search warrant.

11 Q Okay. Well, then -- please explain then for
12 me?

13 A This is a totally different incident.

14 Q So you arrested Alan on October 19, 2017 at
15 3:00 p.m. in front of 156 South First Street?

16 A I did not. No.

17 Q Who did?

18 A The arresting officer at the time -- which I
19 can't remember who did.

20 Q Where did you get the information to swear out
21 that felony affidavit -- the felony complaint?

22 A This complaint was in regards to a narcotics
23 operation conducted utilizing undercover officers, in
24 which an undercover officer purchased narcotics from
25 Alan Seward. So this is why this complaint was filed.

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1 Q Why was this complaint being filed in April
2 24, 2018?

3 A Because that's when the complaint was filed
4 for the incident of Alan Seward selling to an undercover
5 officer,

6 Q But you had nothing to do with that undercover
7 controlled buy?

8 A My duty was -- I was the assigned case
9 detective for the whole entire operation. So when the
10 undercover officer went into the location and purchased
11 the drugs from Alan Seward, I was not next to the
12 undercover officer at the time. No. I wasn't.

13 Q Were you part of the surveillance? Or were
14 you in any way part of the operation?

15 A I was part of the operation and the
16 surveillance.

17 Q Okay. On October 19, 2017 at 3:00 p.m., where
18 were you?

19 A Working.

20 Q Were you at the station? Were you --

21 A In the field.

22 Q Okay. How long -- what was that operation
23 called, that this felony warrant was a part of?

24 A I don't remember the name of the operation.

25 Q How long was the operation -- well, how long

Page 193

1 did the operation last?

2 A A couple of months. Four or five months,
3 maybe.

4 Q What was the purpose of the operation?

5 A To utilize undercover officers to buy illegal
6 narcotics from individuals that were selling.

7 Q Did you use any confidential informants in
8 this particular operation?

9 A Yes. We did.

10 Q How many?

11 A I can't say how many, but we did.

12 Q Was this operation a joint task force -- a
13 joint operation --

14 A Yes.

15 Q -- with what other agencies?

16 A Westchester County Police Department.

17 Q Anyone other than Westchester County Police
18 Department?

19 A No.

20 Q Was the search conducted on November 7, 2017
21 of 156 South First Avenue, was that part of this
22 operation as well?

23 A No.

24 Q Was Officer Puff also assigned to the
25 operation?

<p style="text-align: right;">Page 194</p> <p>1 A The whole unit.</p> <p>2 Q It was a whole --</p> <p>3 A The whole narcotics unit.</p> <p>4 Q Okay. But you said you were the case officer.</p> <p>5 Did you have a special role for this operation?</p> <p>6 A Yes. I was the case -- the whole operation</p> <p>7 -- the case detective.</p> <p>8 Q What does that mean? Define what the case</p> <p>9 detective means for the operation?</p> <p>10 A Meaning I was in charge of the whole operation</p> <p>11 investigation, per se.</p> <p>12 Q What were your responsibilities and duties?</p> <p>13 A Conduct my reports, secure evidence, obtain</p> <p>14 reports from surveillance and undercover officers.</p> <p>15 Q Were you authorized to use wires -- like wire</p> <p>16 taps for this for surveillance, for this operation?</p> <p>17 A This was not a wire top investigation.</p> <p>18 Q Okay. So by surveillance, you mean just</p> <p>19 physically surveilling out on the street?</p> <p>20 A Correct.</p> <p>21 Q And you said it operated for about four to</p> <p>22 five months?</p> <p>23 A Give or take. Yes.</p> <p>24 Q And was April 2018 towards the end of the</p> <p>25 investigation -- or operation?</p>	<p style="text-align: right;">Page 196</p> <p>1 too.</p> <p>2 MS. DONNELL: Well, I'll talk to you. You</p> <p>3 could jump off for now and then I'm going to give</p> <p>4 you a call. Okay?</p> <p>5 COURT REPORTER: Ms. Donnell, I can just put</p> <p>6 him in the waiting room so he doesn't have to log</p> <p>7 out of the meeting.</p> <p>8 MS. DONNELL: Oh, sure. That's okay. Mr.</p> <p>9 Seward, we'll just put you in the waiting room.</p> <p>10 MR. SEWARD: Okay.</p> <p>11 COURT REPORTER: Okay. He is now in the</p> <p>12 waiting room, and I can get him whenever everyone is</p> <p>13 ready.</p> <p>14 (CONFIDENTIAL PORTION IV REDACTED)</p> <p>15 MR. BUSHNELL: Heather, do you have any idea</p> <p>16 how much longer you're going to be? I'm just</p> <p>17 asking, because my client has to pick up his</p> <p>18 daughter later, so...</p> <p>19 MS. DONNELL: Oh, sure. I think under an hour.</p> <p>20 MR. BUSHNELL: Okay</p> <p>21 MS. DONNELL: Is that okay?</p> <p>22 MR. BUSHNELL: Yeah, sure. Let's get back at</p> <p>23 3:45 then; is that okay?</p> <p>24 MS. DONNELL: Yep.</p> <p>25 MR. BUSHNELL: Great. Thank you so much.</p>
<p style="text-align: right;">Page 195</p> <p>1 A No.</p> <p>2 Q When was the end of the operation?</p> <p>3 A April 19, 2017 was the date that the</p> <p>4 undercover buy took place with Mr. Alan Seward, and</p> <p>5 April 24, 2018 was the date that this was -- the</p> <p>6 complaint was signed.</p> <p>7 Q And I'm asking about the overall operation.</p> <p>8 What was the duration?</p> <p>9 A I don't remember the exact date when it ended,</p> <p>10 but the date that is in here was the date that this</p> <p>11 complaint was signed.</p> <p>12 Q Okay. How many arrests were made as part of</p> <p>13 this operation?</p> <p>14 MR. BUSHNELL: Objection. You can answer.</p> <p>15 A I don't recall.</p> <p>16 Q Did you receive any recommendations or rewards</p> <p>17 for your work on this particular operation?</p> <p>18 A I don't recall.</p> <p>19 MS. DONNELL: Okay. Mr. Seward, I'm going to</p> <p>20 ask some questions of Detective Antonini that are</p> <p>21 going to be considered confidential and pursuant.</p> <p>22 So you're going to have to drop off and then I can</p> <p>23 call you when you can jump back on, okay, Mr.</p> <p>24 Seward?</p> <p>25 MR. SEWARD: Yes. I have a couple of questions</p>	<p style="text-align: right;">Page 197</p> <p>1 VIDEOGRAPHER: Okay. Off the record at 3:39</p> <p>2 p.m.</p> <p>3 (OFF THE RECORD)</p> <p>4 VIDEOGRAPHER: We are back on the record at</p> <p>5 3:49 p.m.</p> <p>6 BY MS. DONNELL:</p> <p>7 Q Detective Antonini, I'm going to play for you,</p> <p>8 which I'm designating as Exhibit 26 to your deposition.</p> <p>9 It's a video recording that was produced by the</p> <p>10 Defendant City in this action as I think Exhibit B. And</p> <p>11 so I'm going to share my screen and play it for you, and</p> <p>12 then ask you some questions about it. I might stop it</p> <p>13 along the way, but I'll start now and hopefully this'll</p> <p>14 work. Let me know if you can see and hear it. Okay?</p> <p>15 Okay. Can you see it? I haven't -- can you see that on</p> <p>16 your screen?</p> <p>17 (EXHIBIT 26 MARKED FOR IDENTIFICATION)</p> <p>18 A Yes.</p> <p>19 Q Okay. Let me go back to the beginning and</p> <p>20 start playing. Okay. I'm going to start playing at</p> <p>21 timestamp zero. Fortunately, the -- hold on just a</p> <p>22 second. My apologies.</p> <p>23 MS. ACQUISTO: 24, right? Oh yeah. Maybe</p> <p>24 you're right.</p> <p>25 Q I don't know why it's stopping. Detective</p>

<p style="text-align: right;">Page 198</p> <p>1 Antonini, can you hear that? Was that your voice?</p> <p>2 A Can't hear it.</p> <p>3 MR. BUSHNELL: We can't hear anything.</p> <p>4 MS. DONNELL: You couldn't hear anything? Let</p> <p>5 me go back again and see. Okay. Let me try again.</p> <p>6 I'm going to pause there at timestamp 11.</p> <p>7 BY MS. DONNELL:</p> <p>8 Q Detective Antonini, is that your voice?</p> <p>9 MR. BUSHNELL: We can't hear anything, Heather.</p> <p>10 MS. DONNELL: Oh, you can't. Phooey. Okay.</p> <p>11 Let me see what I can do. Usually that works. So</p> <p>12 you're not hearing any of the audio?</p> <p>13 A No.</p> <p>14 COURT REPORTER: Myself and Krystal might be</p> <p>15 able to help you out, if you would like to go off</p> <p>16 record for a moment.</p> <p>17 MS. DONNELL: Sure. Let's go off record and</p> <p>18 see if we can get the technical stuff worked out.</p> <p>19 (OFF THE RECORD)</p> <p>20 VIDEOGRAPHER: Back on the record at 3:52 p.m.</p> <p>21 My apologies.</p> <p>22 BY MS. DONNELL:</p> <p>23 Q Okay. Detective Antonini, we're going to try</p> <p>24 this again and see if it will work to share the video.</p> <p>25 Can you hear me right now?</p>	<p style="text-align: right;">Page 200</p> <p>1 work for me.</p> <p>2 COURT REPORTER: Sorry to interrupt again,</p> <p>3 Ms. Donnell, but if you would like Krystal or myself</p> <p>4 to play it --</p> <p>5 MS. DONNELL: Yeah.</p> <p>6 COURT REPORTER: I can send you a Dropbox link</p> <p>7 or e-mail address and we can try and do that for</p> <p>8 you.</p> <p>9 BY MS. DONNELL:</p> <p>10 Q I think let's try that because I think mine's</p> <p>11 going to keep lagging. I'm not quite sure why. It</p> <p>12 usually works for me, but for some reason it's not right</p> <p>13 now. So, let's try that. Can we go off the record and</p> <p>14 I will try -- is it working now?</p> <p>15 (VIDEO PLAYS)</p> <p>16 (VIDEO STOPS)</p> <p>17 A Yes.</p> <p>18 MS. DONNELL: I think it's -- here, I'm going</p> <p>19 to just pause it and try sending it, because I think</p> <p>20 it's going to work better that way. I'm so sorry,</p> <p>21 you guys. So let's go off the record and if you</p> <p>22 guys -- if you put your e-mail in the chat, I'll do</p> <p>23 it really quick.</p> <p>24 COURT REPORTER: Yes, ma'am.</p> <p>25 VIDEOGRAPHER: Okay. Off the record at 3:55</p>
<p style="text-align: right;">Page 199</p> <p>1 A Yes.</p> <p>2 Q Okay. Let's try it again. Let's see if I can</p> <p>3 -- that did not work, did it? Sometimes it works so</p> <p>4 easy and sometimes it doesn't. Let me try again. Thanks</p> <p>5 for your patience. Okay. Can you -- oh, let's see.</p> <p>6 Okay. Let's see. All right. Let's try it now. Can you</p> <p>7 see the video right now?</p> <p>8 A Yes.</p> <p>9 Q Okay. Let me see if this is going to work to</p> <p>10 play it.</p> <p>11 (VIDEO PLAYS IN FULL)</p> <p>12 (VIDEO STOPS)</p> <p>13 Q Could you hear that before it lagged?</p> <p>14 A Yes.</p> <p>15 Q Okay. I'm so sorry. I think it's having</p> <p>16 trouble doing all of the things I'm asking it to do. Was</p> <p>17 that -- do you recognize your voice?</p> <p>18 A That is my voice.</p> <p>19 Q Okay. Let me try it again.</p> <p>20 (VIDEO PLAYS)</p> <p>21 THE WITNESS: 156 South First Avenue.</p> <p>22 (VIDEO STOPS)</p> <p>23 MS. DONNELL: It's pausing at timestamp six.</p> <p>24 Let me see if I can move it forward. I'm going to</p> <p>25 start playing at timestamp 10. It doesn't want to</p>	<p style="text-align: right;">Page 201</p> <p>1 p.m.</p> <p>2 (OFF THE RECORD)</p> <p>3 VIDEOGRAPHER: We are back on the record at</p> <p>4 4:02 p.m.</p> <p>5 BY MS. DONNELL:</p> <p>6 Q Okay. Now we've been able to get some</p> <p>7 assistance on the technology from our court reporter.</p> <p>8 Detective Antonini, I'm going to have Aalayah play</p> <p>9 Exhibit 26 for you. Maybe we'll play it once all the</p> <p>10 way through, and then I can ask you some questions about</p> <p>11 it, so let's go and ahead and play Exhibit 26.</p> <p>12 (VIDEO PLAYS IN FULL)</p> <p>13 (VIDEO STOPS)</p> <p>14 BY MS. DONNELL:</p> <p>15 Q Okay. Detective Antonini, were you able to</p> <p>16 view and hear all of Exhibit 26?</p> <p>17 A Yes.</p> <p>18 Q And was that the video that you testified</p> <p>19 earlier that you reviewed prior to your deposition</p> <p>20 today?</p> <p>21 A Yes.</p> <p>22 Q And to your knowledge, is that the only video</p> <p>23 that exists from the November 7, 2017 incident?</p> <p>24 A To my knowledge. Yes.</p> <p>25 Q And that's the only one you've ever seen to</p>

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1 prepare for your deposition; is that right?

2 A Yes.

3 Q Okay. And this video appears to be one

4 minute, 18 seconds; is that right?

5 A Yes.

6 Q And when you heard Exhibit 26 being played,

7 you authenticated that that's your voice operating the

8 video recorder?

9 A Yes.

10 Q And is that one seamless video taken -- like

11 you kept -- push to record and kept it recording the

12 whole time?

13 A Yes.

14 Q As you walked through the apartment; is that

15 right?

16 A Yes.

17 Q Okay. Do you recall during -- and we could

18 play it again if you need to see it, but in the video,

19 when you look back towards the kitchen, there's an

20 officer that you can see standing in the kitchen. Do

21 you know what officer that is?

22 A Sergeant Fegan.

23 Q That's Sergeant Fegan. How about the officer

24 that's standing in the bedroom when you go into the back

25 bedroom?

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1 A Joseph Valente.

2 Q That's Joseph Valenti. Okay. And then in

3 this video, there's two women handcuffed sitting on the

4 bed in the back, correct?

5 A Yes.

6 Q Okay. So -- and can you identify for me when,

7 in the course of executing the search warrant, you did

8 this video tape?

9 A I want to say immediately after entering the

10 apartment.

11 Q Okay. You know how when we looked at the

12 police report, I think it was Exhibit 15 -- or the

13 incident report from Puff, there was three women who

14 were located in the back bedroom when the search was

15 conducted, and all three of those women were listed on

16 the incident report. Do you remember that?

17 A Yes.

18 Q At this point when you were videotaping,

19 there's only two African American women in the back

20 bedroom handcuffed in the back, correct?

21 A Yes.

22 Q Do you have any information or knowledge as to

23 where the third woman is?

24 A No.

25 Q When you were doing this videotape, you have -

Page 204

1 - it does not appear to be in the apartment, correct?

2 A I didn't see her during the video. No.

3 Q And also the children don't appear to be

4 depicted either; is that correct?

5 A Correct.

6 Q Is Officer Puff -- do you see or hear Officer

7 Puff in your video?

8 A No.

9 Q Okay. When Mr. Seward was brought back to the

10 apartment, you did not do any videotaping; is that

11 right?

12 A Correct.

13 Q Okay. Cause if that was -- he was videotaped

14 when he was in the apartment, that would be on this same

15 piece of evidence; is that right?

16 A I guess -- I don't -- I wouldn't know.

17 Q Do you recall trying to videotape when

18 Mr. Seward was in the apartment?

19 MR. BUSHNELL: Objection. Go ahead.

20 A No.

21 Q Okay. So your testimony today is that this

22 video was recorded immediately after you executed the

23 search warrant, right?

24 A Yes.

25 Q Okay. But it was -- is it your testimony that

Page 205

1 it was before Officer Puff returned with Sergeant Quinoy

2 and Mr. Seward back to the apartment?

3 A This video was done immediately after the

4 search warrant.

5 Q Okay. Understood. Okay. And again, I guess,

6 based on your practice, when you were the videographer

7 for one of the search warrants, if you videotaped, you

8 know, after the search warrant was conducted, or if

9 there was a strip search conducted at the apartment

10 pursuant to this search warrant, it would have all been

11 part of the same videotape evidence, correct?

12 A Correct.

13 Q Okay. And it would've been secured as

14 evidence just like this video tape was, right?

15 A Yes.

16 Q Okay. So seeing the video again, that I

17 designated as Exhibit 26 to your deposition, refresh

18 your recollection to the events of November 7, 2017 in

19 any way?

20 A Yes. It assures that I was not at the

21 Bungalow.

22 Q Why does that ensure for you that you were not

23 at the Bungalow?

24 A Because in your -- in the lawsuit, it says

25 that I was at the Bungalow, right?

Page 206

1 Q Yes. But why does the video mean for you that
2 you didn't go to the Bungalow?

3 A Kind of proves that I was not at the Bungalow.

4 Q I know, explain.

5 A I was not at the Bungalow.

6 Q Okay. But why does the video prove that?

7 A You hear my voice in the video? Correct.

8 Q Understood. But you could videotape and then
9 go to the Bungalow, correct?

10 A No.

11 Q Okay. Not according to your view. Okay. So
12 let's see. Aalah, I think you can take down Exhibit
13 26. Do you use a memo book in your -- like a department
14 issued memo book, in your capacity as a narcotics
15 officer?

16 A Note take -- just to take notes.

17 Q What kind of notes do you take?

18 A Things you want to remember, phone numbers,
19 you know, nothing specific.

20 Q I see. Is there anything that the department
21 trains you on to put into your memo book?

22 A Unless you are assigned to the patrol division
23 -- the patrol division, you have to notate your daily
24 log in that memo book.

25 Q I see. But when you're a narcotics officer,

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1 you don't have that same obligation?

2 A No. It's just note taking.

3 Q Did you take any notes in your memo book on
4 November 7, 2017?

5 A Search warrant date?

6 Q Yes.

7 A No.

8 Q Have you searched your -- do you have your
9 memo book from back --

10 A No.

11 Q I'm sorry. Just make -- let me get the
12 question all out. Do you have your memo book anymore
13 from November 2017?

14 A No.

15 Q Why not?

16 A It's -- there was no need for me to keep it.

17 Q Did you destroy it?

18 A I don't know what happened to it. Probably
19 garbage, by now.

20 Q When you fill up a memo book, do you throw it
21 away, typically?

22 A When there's no more pages in it. Yes.

23 Q Okay. So you don't -- you only have a memo
24 book, like one memo book at a time?

25 A It's books to write notes in. It's not a

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1 issue -- department issue for us to keep tabs of
2 everything that's happening. It's just something to
3 write on like scrapbook -- memo book. Unless you are
4 assigned to the patrol division where those books are
5 kept, you know, as records.

6 Q Okay. But a narcotics officer -- like if you
7 were going to interview a suspect or make an arrest,
8 would you note that in your memo book as a narcotics
9 officer?

10 A No. You can notate it on pieces of paper,
11 depending on what you are using. And if you need those
12 notes for some evidential value, then you will submit
13 those notes into evidence, but no.

14 Q You know this operation you were testifying
15 earlier to, that occurred in the 2017, 2018 time period
16 for four to five months. Has it refreshed your
17 recollection of the name of that operation?

18

19

20

21 A No.

22 Q Who else worked with you on it?

23 A In regards to what? Who else, meaning?

24 Q Well, you were the case officer, like the lead
25 officer; is that right?

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1 A Yes.

2 Q But did other narcotics officers assist you in
3 that operation?

4 A Yeah. The whole narcotics unit.

5 Q Okay. And was Sergeant Fegan your supervising
6 officer during that operation?

7 A Yes.

8 Q How many operations did you work on while you
9 were a narcotics officer?

10 A Numerous, can't recall a specific number.

11 Q How many were you assigned as the case
12 officer?

13 A Numerous.

14 Q More than five?

15 A More or less, yes.

16 Q Do you remember the names that were assigned -
17 - I mean, is it fair to say that anytime you had like an
18 operation there was given a sort of name that the
19 department would refer to it as?

20 A Usually. Yes.

21 Q Okay. Do you remember any of the names of the
22 operations you were assigned as the case officer -- as a
23 narcotic officer?

24 A No.

25 MR. BUSHNELL: Objection. Go ahead.

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1 Q None of them?

2 A Correct.

3 Q Do you remember the focus of any of the

4 operations?

5 MR. BUSHNELL: Objection. Go ahead.

6 A To target individuals selling illegal

7 narcotics in the City of Mount Vernon.

8 Q But like -- did any of them like have a focus

9 let's say on heroin, or a different one on PCP, or a

10 different one on crack? Did they ever have a focus like

11 that, or certain area of the city, or anything like

12 that?

13 A Any and all illegal narcotics in anywhere

14 throughout the City of Mount Vernon.

15 Q So what was the difference between having an

16 operation and just, like, being a narcotics officer?

17 MR. BUSHNELL: Objection. Go ahead.

18 A Because you're trying to target as many

19 individuals all at once, while utilizing the services of

20 another department providing an undercover officer.

21 Whereas, if it's just the City of Mount Vernon,

22 conducting daily operations, it's different. You're

23 just utilizing somebody else's services in order to --

24 Q I see. So it makes it an operation is when

25 you use the assistance of another law enforcement agency

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1 either to provide somebody undercover or some other

2 support service. That's what made it considered an

3 operation versus regular narcotics unit conduct?

4 A You could say that. Yes.

5 MS. DONNELL: Okay. Okay. I might be done,

6 but I want to look at my notes. So maybe I could

7 have five minutes and then we could come back on.

8 MR. BUSHNELL: You got it.

9 VIDEOGRAPHER: Okay. We are going off the

10 record at 4:15 p.m.

11 (OFF THE RECORD)

12 VIDEOGRAPHER: Back on the record at 4:20 p.m.

13 BY MS. DONNELL:

14 Q Detective Antonini, I just have a few --

15 hopefully just a few questions for you. First of all,

16 do you remember -- well in fact, when you worked as a

17 narcotics officer, would you be issued a department car

18 to drive around on your shifts?

19 A No.

20 Q Would you --

21 A You take what's available.

22 Q But it was like a department issued car,

23 right? Not your personal car. You'd use a department -

24 -

25 A Oh, yes. It's a department vehicle. It's an

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1 unmarked department vehicle.

2 Q Thank you. So for narcotics officers, you

3 used unmarked vehicles, right?

4 A Correct.

5 Q Did they have, like, a specific -- like, could

6 you tell by the license plate that it was a police

7 department car? Like, did it have like an MP, like a

8 municipal license plate or was it completely unmarked?

9 Like, it would look like a civilian car?

10 A It would look like a civilian car most times,

11 or it would look like a regular police car without

12 emblems or anything on it.

13 Q Got it. Back in 2017, was there certain cars

14 that the narcotics units was assigned regularly; do you

15 remember?

16 A I don't remember. I don't recall, because

17 cars came and went very frequently with our unit, that

18 they were very unreliable.

19 Q Were you guys sometimes using cars that had

20 been possessed as part of an arrest?

21 A To my knowledge, no. We hardly came across

22 vehicles that were confiscated if that's what You mean?

23 Q Yeah. What -- do you remember what car you

24 were assigned on this shift on November 7, 2017?

25 A No.

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1 Q No idea. Okay. Okay. And I think I forgot

2 to ask you; did you have a -- what was your highest rank

3 when you were a Marine?

4 A Sergeant.

5 Q Okay. And did you have any specific jobs as a

6 sergeant or roles?

7 A Infantry.

8 Q You were infantry. Okay. And you said you

9 had received some college credit. Do you remember the

10 college credit you received or the courses you got while

11 you were a Marine?

12 A No. The courses that we received throughout

13 my Marine Corps career were deemed college credit. The

14 -- you get college credits for them. Most of them were

15 usually infantry related, you know, leadership courses

16 and stuff like that. I accumulated enough credits to

17 have -- possibly an Associate's degree.

18 Q But did you ever get an Associate's degree?

19 A No.

20 MS. DONNELL: Okay. I think that that's all I

21 have for you at this time. Thank you so much for

22 your time. Would you like to reserve signature,

23 Steve?

24 MR. BUSHNELL: Yes. Thank you.

25 MS. DONNELL: Okay. So witness will reserve

<p style="text-align: right;">Page 214</p> <p>1 signature.</p> <p>2 MR. BUSHNELL: I should have said that at the</p> <p>3 beginning. Sorry.</p> <p>4 MS. DONNELL: No problem. We can go off the</p> <p>5 record.</p> <p>6 COURT REPORTER: Okay. Before we go off the</p> <p>7 record, Ms. Donnell, how would you like your copy?</p> <p>8 MS. DONNELL: I can just get a regular e-tran.</p> <p>9 COURT REPORTER: Okay.</p> <p>10 MS. DONNELL: And I don't need a copy of the</p> <p>11 video.</p> <p>12 COURT REPORTER: Okay, great. And Steven?</p> <p>13 MR. BUSHNELL: I'm not going to be requesting a</p> <p>14 copy, because Ms. Donnell will serve us with a copy</p> <p>15 to be signed and we'll get that one.</p> <p>16 VIDEOGRAPHER: Okay. Then I'll take us -- us</p> <p>17 officially off --</p> <p>18 MR. BUSHNELL: Have you -- we're still on the</p> <p>19 record. I'm sorry.</p> <p>20 COURT REPORTER: We are. I will have Krystal</p> <p>21 take us officially off. Okay. Yeah.</p> <p>22 VIDEOGRAPHER: And I'm sorry, just for</p> <p>23 clarification, the video for you, Steven?</p> <p>24 MR. BUSHNELL: No. Sorry. Thank you.</p> <p>25 VIDEOGRAPHER: All right.</p>	<p style="text-align: right;">Page 216</p> <p>1 CERTIFICATE OF REPORTER</p> <p>2 STATE OF ILLINOIS</p> <p>3</p> <p>4 I do hereby certify that the witness in the foregoing</p> <p>5 transcript was taken on the date, and at the time and</p> <p>6 place set out on the Stipulation page hereof, by me</p> <p>7 after first being duly sworn to testify the truth, the</p> <p>8 whole truth, and nothing but the truth; and that the</p> <p>9 said matter was recorded by me and then reduced to</p> <p>10 typewritten form under my direction, and constitutes a</p> <p>11 true record of the transcript as taken, all to the best</p> <p>12 of my skill and ability. I certify that I am not a</p> <p>13 relative or employee of either counsel and that I am in</p> <p>14 no way interested financially, directly or indirectly,</p> <p>15 in this action.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 <i>Aalayah Purnell</i></p> <p>21</p> <p>22 AALAYAH PURNELL,</p> <p>23 COURT REPORTER/NOTARY</p> <p>24 MY COMMISSION EXPIRES: 11/15/2022</p> <p>25 SUBMITTED ON: 01/14/2022</p>
<p style="text-align: right;">Page 215</p> <p>1 MR. BUSHNELL: At this time.</p> <p>2 VIDEOGRAPHER: Okay. And we are now officially</p> <p>3 off the record at 4:24 p.m.</p> <p>4 (DEPOSITION CONCLUDED AT 4:24 P.M.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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